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FELICIA P. TRE  
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DALLAS CO., TEXAS

**Melissa Cruz** DEPUTY

Writ No. W-0556570-C

Exhibit's 'A' Affidavit of Harry J. Bonnell, M.D. with Curriculum Vitae.

**3-24CV-457-X**

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS <b>FILED</b>
<div style="border: 1px solid black; padding: 5px; text-align: center;">FEB 20 2024</div>
CLERK, U.S. DISTRICT COURT
By _____ Deputy

ORIGIN ID: LASA (619) 204-4496 HARRY BONNELL BONNELL LAW OFFICES 1400 COLORADO ST. STE C BOULDER CITY, NV 89005		SHIP DATE: 10 JUN 22 ACTWGT: 0.50 LB CAD: 1703063INET4490	
TO ERNST GAINES TDCJ#01364192 SMITH UNIT 1313 COUNTY ROAD 19 LAMESA TX 79331 (619) 204-4496 INV. PO. DEPT: REF: AFFIDAVIT AND VA MED RECS		BILL SENDER	
577J2Q74F/FE4A			

TRK# 7770 8902 9633 0201	WED - 15 JUN 4:30P EXPRESS SAVER
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I. AFFIDAVIT OF HARRY J. BONNELL, M.D.

Re: Ernest GAINES, TDCJ#01364192

I, Harry J. Bonnell, M.D., declare as follows:

1. I am a medical doctor, currently employed as a Forensic Pathologist licensed to practice Medicine in the State of California. A true and correct copy of my curriculum vitae is attached as **Exhibit A**.

2. I attended Georgetown University Medical School in Washington, D.C., and graduated from that program in 1979. I have taught at the University of Washington, Madigan Army Medical Center, King County Corrections Center, Uniformed Services University of Health Sciences, University of Cincinnati College of Medicine, and the School of Medicine of the University of California, San Diego.

3. From 1991-2001, I was the Chief Deputy Medical Examiner for the Office of the Medical Examiner in San Diego, California. I have also been Chief Deputy Coroner and Director of Forensic Pathology of Hamilton County, Ohio, Staff Pathologist in the Forensic Sciences Department at the Armed Forces Institute of Pathology, and Assistant Medical Examiner of King County, Washington.

4. I have personally performed over 7000 autopsies and provided sworn testimony more than 950 times in the Superior Courts of twenty states, six Federal Court jurisdictions, and eight military courts.

5. I have agreed to help the above-named inmate on a *pro bono* basis by reviewing and analyzing testimony, reports and other forensic materials related to his conviction and within my field of expertise.

6. I have reviewed and analyzed

- The DNA sample submission forms of 11/20/2014
- The STR Data Worksheet
- All of the printouts of the DNA Analysis using Applied Biosystem Gene Mapper to include page 2 which pertains to the driver door sample.

7. Based on this review and analysis as well as my education, training and experience, it is my opinion to a reasonable degree of medical certainty that:

- None of the samples undergoing DNA analysis meet current criteria for a “match”, i.e. the same findings at 13 loci on the DNA strand. As shown on the STR Data Worksheet, only six loci are matches and these are questionable for the reasons listed below.
- More serious are the errors between the STR Data Worksheet and the gene mapper graph.
- The gene mapper graph (GMP) shows INConclusive and 16 at locus D3S1358 yet the Data Worksheet erroneously lists 16,16 for that locus.
- The GMP shows INConclusive and 14 at locus D19S433 yet the Data Worksheet erroneously lists 14,14 for that locus.
- The GMP shows INCconclusive and 16 at locus vWA yet the Data Worksheet erroneously lists 16,16 for that locus.

This results in there being matching findings at only two loci, far from even being considered as a match.

8. I am not being reimbursed in any manner for rendering this analysis and report nor am I commenting on the false report of the 282<sup>nd</sup> Judicial Court wherein it stated that a hearing was held but that was untrue.


9. I am willing to testify, if needed, to the above.

I declare that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of June 2022 in Boulder City, Nevada.

HARRY J. BONNELL, M.D.  
HARRY J. BONNELL, M.D.

State of: NEVADA  
County of: CLARK  
The foregoing document was acknowledged  
before me 9<sup>th</sup> day of June 2022  
Jean A Slater  
JEAN A SLATER, Notary Public  
My Commission Expires: FEB. 01, 2026

 JEAN A SLATER  
NOTARY PUBLIC  
STATE OF NEVADA  
Appt. No. 02-75498-1  
My Appl. Expires FEBRUARY 1, 2026

## CURRICULUM VITAE

### Harry J. BONNELL, M.D.

Forensic Pathology Consultant

1400 Colorado Street

Boulder City, Nevada 89005

E-Mail: bonnell@4n6pathology.com

### EDUCATION AND TRAINING

UNDERGRADUATE: Georgetown University BA 1965-1968  
Washington, D.C.

MEDICAL EDUCATION: Georgetown University MD 1975-1979  
Washington, D.C.

RESIDENCY: Veterans Administration Medical Center  
Martinez, California Anatomic Path 1979-1981

University of Washington  
Seattle, Washington Anatomic Path 1982-1983

FELLOWSHIP: Office of the Medical Examiner  
Seattle, Washington Forensic Path 1981-1984

CERTIFICATION: Anatomic & Forensic Pathology 1985

LICENSURE: California, 1979 & 1991(active)  
Washington, 1981 (inactive)  
Ohio, 1987 (inactive)

### MILITARY SERVICE

U.S. Army, Military Police Rank of Captain 1969-1973

U.S. Air Force, Medical Corps Rank of Major 1984-1987

BONNELL, Harry J.

- 2 -

**ACADEMIC APPOINTMENTS**

Instructor in Pathology University of Washington Seattle, Washington	1981-1984
Instructor in Pathology Madigan Army Medical Center Fort Lewis, Washington	1981-1984
Instructor, King County Corrections Center Rehabilitation Program Seattle, Washington	1983-1984
Adjunct Assistant Professor Uniformed Services University of Health Sciences Bethesda, Maryland	1985-1987
Assistant Clinical Professor, Pathology University of Cincinnati College of Medicine Cincinnati, Ohio	1987-1991
Associate Clinical Professor, Pathology U.C. San Diego School of Medicine San Diego, California	1992-2006

**EMPLOYMENT HISTORY**

1981-1984: Assistant Medical Examiner, King County (Seattle)  
Washington

1984-1987: Staff Pathologist, Forensic Sciences Department,  
Armed Forces Institute of Pathology, Washington, D.C.

1987-1991: Chief Deputy Coroner and Director of Forensic  
Pathology, Hamilton County (Cincinnati), Ohio

1991-2001: Chief Deputy Medical Examiner  
San Diego County, California

2001-Present: Self-employed consultant

Bonnell, Harry J.

- 3 -

### PROFESSIONAL AFFILIATIONS

American Academy of Forensic Sciences (1980-present)  
National Association of Medical Examiners (1980-present)  
Parents of Murdered Children  
Member, Board of Trustees (1991- 2015)  
Member, Second Opinion Services (1998-2015)  
San Diego County Child Fatality Review Committee (1991- 2001)  
Chair/Co-Chair 1993-98  
San Diego County Domestic Violence Review Committee (1997-2001)  
San Diego Citizen Review Board on Police Practices (2005-2013)

### PUBLICATIONS

Terminal Air Embolus Associated with Pneumatosis Cystoides  
Intestinalis, Am J For Med & Path, March, 1982.

Antemortem Chemical Hypothyroxinemia, J For Sci, January, 1983.

Boot Top Fractures in Pedestrians: A Forensic Masquerade, Am J For  
Med & Path, June, 1983.

Synchronous Bilateral Seminomas and Teratoma, Henry Ford Hospital  
Med Journal, December, 1983.

Ethanol in Sequestered Hematomas: Quantitative Evaluation, Am J  
Clin Path, 1984.

Left Pontine Lipoma, Arch of Path, 1985.

Correlation of Physical Findings with Circumstances Surrounding  
Death in Hangings, J For Sci, 1985.

A Procedure for the Investigation of Anesthetic/Surgical Deaths, J For Sci, 1985.

Fatty Liver in Sudden Childhood Death: Implications for Reye's  
Syndrome, Am J Dis Children, 1986.

\*\*also printed in French edition.

Wah Mee Massacre: the Murder of 13 Chinese Adults, Am J For Med &  
Path, December, 1986.

Bonnell, Harry J.

- 4 -

Clinical and Pathologic Aspects of Cardiomyopathy from Ipecac Administration in Munchausen's Syndrome by Proxy, Pediatrics, 1996.

\*\*\* also extracted for Quarterly Child Abuse Medical Update

Post-mortem Drug Redistribution, Forensic Sciences Review, July, 2001.

### OTHER QUALIFICATIONS

Medicolegal autopsies: More than 7000 performed personally.

Testimony experience: Provided sworn testimony more than 950 times in 20 states, as well as federal courts and courts martial.

Aircraft Mishaps: 37 on-site investigations to include autopsies.

2008 – present: Appointed to Expert Witness Panel, Los Angeles Superior Court

### OTHER ACTIVITIES

Eucharistic Minister, St. Therese Parish, San Diego	1992 – 2016
Parish Council (Communications Chair)	1996-1998.
Little League Umpire (Volunteer)	1992 - 2016
San Carlos LL Umpire-in-Chief	1994 – 1998
District 33 Patriot League (Seniors) Umpire-in-Chief	1997 – 2008
Synchronized Swimming Judge (volunteer) Level III	1994 – 2008

### MOST VALUED AWARDS

1973 – US Army Meritorious Service Medal  
1986 – US Army Meritorious Service Medal (1<sup>st</sup> Oak Leaf Cluster) while serving in US Air Force  
1987 – Department of Defense Commendation Medal  
1996 – Foundation For Improvement of Justice Medal (\$10,000 award)  
1999 – Physician of the Year, San Diego County Child Abuse Coordinating Committee  
2001 – Little League Umpire Service Award  
2002 – First Responder Award (San Diego International Airport)  
2003 – Empty Shoes Award (Parents of Murdered Children)  
2007 - Selected for Europe/Middle East/Africa Little League Umpire in World Series Regional Tournaments  
7/2021

Exhibit's 'B' DNA Testing report by Forensic Scientist Nicole Mullins.

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Public Defender's Office  
Frank Crowley Courts Building  
133 N. Riverfront Blvd., 9th Floor, LB 2  
Dallas, Texas 75207



Julie Lesser

3A 53B

Mr. Ernest Edward Gaines  
TDCJ #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, Texas 75886

Rec 11-21-19



## DALLAS COUNTY

Public Defender's Office

November 11, 2019

Mr. Ernest Edward Gaines, #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

*Re: State of Texas vs. Ernest Edward Gaines, F05-56570-S*

Dear Mr. Gaines,

Enclosed please find the DNA Laboratory Report dated 3/31/15 and the Forensic Biology Laboratory Report dated 1/27/15. I have also included the information I received from DPS regarding your case. It totals 58 pages.

All other documents in my file have already been provided to you via letters dated August 15, 2014 (Order Appointing Counsel, Chapter 64 Motion and Court's Notification), September 22, 2014 (general correspondence), October 8, 2014 (State's response), November 11, 2014 (Order Granting Motion), July 15, 2015 (DPS lab reports which are duplicated above) and August 12, 2015 (Chapter 64 Findings).

Best of luck to you in the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Lesser".

Julie Lesser  
Assistant Public Defender

Encl.



STEVEN C. McCRAW  
DIRECTOR  
DAVID G. BAKER  
ROBERT J. BODISCH, SR.  
DEPUTY DIRECTORS

## TEXAS DEPARTMENT OF PUBLIC SAFETY

CRIME LABORATORY  
402 W IH 30  
Garland, TX 75043-5902  
Voice 214-861-2190 Fax 214-861-2194  
GarlandCrimeLab@dps.texas.gov



COMMISSION  
A. CYNTHIA LEON, CHAIR  
MANNY FLORES  
FAITH JOHNSON  
STEVEN P. MACH  
RANDY WATSON

Laboratory Case Number: GAR-1411-12607

### Forensic Biology Laboratory Report

Issue Date: January 27, 2015

Karen Wise  
Dallas County District Attorney's  
Office  
133 N Riverfront Blvd  
Dallas, TX 75207

Agency Case Information: Dallas County District Attorney's Office - F0556570S

Offense Information: Robbery - 08/28/2005 - Dallas County

Suspect(s): GAINES, ERNEST EDWARD (DOB 06/01/1966)

Victim(s): CANTU, M. [REDACTED]

#### Submission Information:

01 - brown box on November 10, 2014 by Hammond, James VIA In Person

03 - 6x9 white envelope on January 12, 2015 by Hammond, James VIA In Person

Requested Analysis: Screen for biological evidence.

#### Evidence Description, Results of Analysis and Interpretation:

##### 01 : brown box

According to the submission form, 5 samples and 1 control sample were submitted; however, only 3 samples and 1 control sample were received.

##### 01-01 : Swab from the left rear tire (Item 1)

Presumptive testing for the presence of blood was positive.

##### 01-02 : Swab from the left door (Item 1)

Presumptive testing for the presence of blood was positive.

##### 01-03 : Swatch from the driver's door (Item 1)

Presumptive testing for the presence of blood was positive.

##### 01-04 : Control from front door (Item 1)

No stains having the appearance of blood were observed.

##### 03 : 6x9 white envelope

##### 03-01 : Buccal specimen from suspect (Item 2)

Item was collected to be used as a reference.

#### Investigative Leads and Requirements for Further Analysis:

For comparison purposes, please submit known specimens from the victim. Contact the laboratory for instructions on the proper collection method for additional evidence.

ACCREDITED BY THE AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS - LAB ACCREDITATION BOARD

COURTESY • SERVICE • PROTECTION

GAR-1411-12607

Forensic Biology Laboratory Report

January 27, 2015

Disposition:

DNA analysis will be performed on selected stains from this case. A separate report will be issued upon completion of this analysis.

The swab from the left rear tire, the swab from the left door, the swatch from the driver's door, and the suspect's buccal specimen will be retained frozen to preserve the biological constituents.

We are unable to retain the remainder of this evidence. Please make arrangements to pick it up at your earliest convenience.

This report has been electronically prepared and approved by:

Flavia Schamber

Forensic Scientist

Texas DPS Garland Crime Laboratory



STEVEN G. McCRAW  
DIRECTOR  
DAVID G. BAKER  
ROBERT J. BODISCH, SR.  
DEPUTY DIRECTORS

## TEXAS DEPARTMENT OF PUBLIC SAFETY

CRIME LABORATORY  
402 W IH 30  
Garland, TX 75043-5502  
Voice 214-851-2190 Fax 214-851-2194  
GarlandCrimeLab@dps.texas.gov



COMMISSION  
A. CYNTHIA LEON, CHAIR  
MANNY FLORES  
FAITH JOHNSON  
STEVEN P. MACH  
RANDY WATSON

Laboratory Case Number: GAR-1411-12607

### DNA Laboratory Report

Issue Date: March 31, 2015

Karen Wise  
Dallas County District Attorney's Office  
133 N Riverfront Blvd  
Dallas, TX 75207

Agency Case Information: Dallas County District Attorney's Office - F0556570S

Offense Information: Robbery - 8/28/2005 - Dallas County

Suspect(s): GAINES, ERNEST EDWARD (DOB 06/01/1966)

Victim(s): CANTU, M. [REDACTED]

**Requested Analysis:** Perform forensic DNA analysis.

Perform Post-conviction DNA analysis on the items submitted pursuant to Court Order F05-56570-S in the 282nd Judicial District Court, Dallas County, Texas. Please refer to the previous Forensic Biology Laboratory Report dated January 27, 2015.

### Evidence Description, Results of Analysis and Interpretation:

Portions of the items were extracted by a method which yields DNA.

The DNA isolated was analyzed using STR (Short Tandem Repeat) PCR (Polymerase Chain Reaction) analysis. The following loci were examined: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, VWA, TPOX, D18S51, Amelogenin, D5S818, and FGA.

#### 01-01 : Swab from the left rear tire (Item 1)

The DNA profile is consistent with an unknown female contributor.

#### 01-02 : Swab from the left door (Item 1)

No interpretable DNA profile was obtained.

#### 01-03 : Swatch from the driver's door (Item 1)

No interpretable DNA profile was obtained.

#### 03-01 : Buccal specimen from suspect (Item 2)

The DNA profile was used for comparison purposes.

### Disposition:

Remaining samples of the items analyzed for DNA will continue to be retained frozen to preserve the biological constituents.

We are unable to retain the remainder of the evidence. Please make arrangements to pick it up at your earliest convenience.

ACCREDITED BY THE AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS - LAB ACCREDITATION BOARD

COURTESY - SERVICE - PROTECTION

GAR-1411-12607

DNA Laboratory Report

March 31, 2015

This report has been electronically prepared and approved by:

Nicole Mullins  
Forensic Scientist  
Texas DPS Garland Crime Laboratory

## Laboratory Submission Form

LAB-06 Rev.01 (05/2013) p.1 Issued by: PAC

Date Resubmitted

☒ New      ☐ Additional      ☐ Resubmission  
☐ Corrected Copy

**GAR-1411-12607**

DALLAS CO DA

Date Submitted: 11/10/2014 JTrax Evid #: 01



brown box

☐ Drop Box    ☐ Mail/Certified    ☐ Other

Agency Dallas County District Attorney

Agency Case # F05-56570-S

Offense AGG ROBBERY DW

Offense Date 08/28/2005

Offense County Dallas

### Case Contact Person Information

Title/Full Name Karen Wise - Assistant D.A.

Badge Number

Physical Address 133 N Riverfront Blvd., LB19

Phone 214-653-3643 Fax 214-653-3643

City, State, Zip Dallas, TX 75207-4399

Email [REDACTED]

Individual (S=Suspect, V=Victim, E=Elimination)

Description of Evidence Submitted	
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(Attach Brief Synopsis/Offense Report For All Cases Except Drug/Blood Alcohol Cases)

[illegible]

# Dallas Police Department Property Unit Receipt

Receipt Date: 11/10/2014 Officer(s): Cynthia Schoelen [0000]  
 Clerk: Cindy Schoelen Dallas Police Department  
 Coordinator 2  
 (214)670-8318

Action: Checkout  
 Location: Lab : DPS Lab

ICN	Tag	Article	Service No	Retain
0044727-0103013	381410A	BLOOD STANDARD	693330P	<input type="checkbox"/>
0044727-0103014	381410A	CONTROL	693330P	<input type="checkbox"/>

Signature:

*Jan Hamel 414*

Received By \_\_\_\_\_

Date / Time \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Lub Case # GAR-1411-12607

Analyst Nicole Mullins

Date 3/2/15

## STR Data Worksheet

(A)-DMA-14 Rev 01 (10/2012) p 1 Issued by QAC

( )-Weaker Alleles

NR—No Reaction

ND = Not Done

INC - Inconclusive

[illegible]

re evidentiary profiles were evaluated prior to comparison to known samples. All profiles were evaluated for CODIS eligibility.

Initials: NM

01-01: single source unknown female  
01-02, 01-03: no interpretable profile



## CRIME LABORATORY

## Laboratory Submission Form

LAB-06 Rev.01 (05/2013) p.1 Issued by: QAC

☐ New ☒ Additional ☐ Resubmission  
☐ Corrected Copy

Agency Dallas County District AttorneyAgency Case # F05-56570-SOffense AGG ROBBERY DWOffense Date 08/28/2005Offense County Dallas

## Case Contact Person Information

Title/Full Name Karen Wise - Assistant D.A.

Badge Number \_\_\_\_\_

Physical Address 133 N Riverfront Blvd., LB19Phone [REDACTED]Fax 214-653-3643City, State, Zip Dallas, TX 75207-4399Email [REDACTED]

## Individual (S=Suspect, V=Victim, E=Elimination)

S / V / E	Name (Last, First, Middle)	Sex	Race	DOB	State	Driver License #	State ID #
S	Gaines, Ernest Edward	B	M	06/01/1966			SID# 04143737

## Description of Evidence Submitted

(Attach Brief Synopsis/Offense Report For All Cases Except Drug/Blood Alcohol Cases)

Agency Item #	# of Items	Description of Evidence Please Indicate if item is Probable Cause	Source	Type of Exam(s) Requested
2	1	buccal swab kit from Ernest Gaines SID# 04143737	Ernest Gaines	see Court Order
		Attention: James Nichols		

Date Resubmitted \_\_\_\_\_

GAR-1411-12607

DALLAS CO DA

Date Submitted: 01/12/2015 JTrax Evid #: 03



6x9 white envelope

☐ Drop Box ☐ Mail/Certified ☐ Other \_\_\_\_\_

James Hammond

Dallas Co. D.A.

Printed Name

Agency

Signature

Date

01-12-2015



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Lab Case # GAR-1411-12607

Analyst Nicole Mullins

Date 3/2/15

## STR Data Worksheet

LAB-DNA-14 Rev.01 (10/2012) p.1 Issued by: QAC

[illegible]

# Biological Evidence Screening Worksheet

Garland DPS Crime Laboratory

QC	TMB	PHT	LMG	AP	ALS
Positive Ctrl	X				
Negative Ctrl	X				



Case Number: GAR-1411-12607

Analyst: Flavia Schamber

Analysis Date: 01/18/15 and 01/19/15

Item #	Agc #	Item Description	Blood	Human	ALS	AP	Sperm	P30	Stain Collected?	Trace Collected?	Notes and Tests
01	1	brown box								N	PS FTC closed brown paper bag FTC Ex 01-01 to 01-04
01-01	1	Swab from the left rear tire	TMB: +						F	N	sealed and initialed swab box FTC x1 swab (brown/green stain) Cut ~1/2 of a swab for DNA analysis
01-02	1	Swab from the left door	TMB: +						F	N	sealed and initialed swab box FTC x1 swab (brown/green stain) Cut ~1/2 of a swab for DNA analysis
01-03	1	Swatch from the driver's door	TMB: +						F	N	sealed and initialed brown paper bag FTC x1 gray swatch with a brown/yellow stain swatch is triangle shape (~80mm, 80mm, and 100mm long), back of swatch is labeled as "RLD 8-29-05" Cut 10x10 mm for DNA analysis
01-04	1	Control from front door								N	sealed and initialed brown paper bag FTC gray swatch (~50x70 mm) with no staining "RLD 8-29-05" No stains having the appearance of blood were observed.
03	2	6x9 white envelope								N	PS FTC closed clear plastic bag FTC envelope FTC Ex 03-01
03-01	2	Buccal specimen from suspect							F	N	x2 swabs Cut ~1/2 of a swab for DNA analysis

Note: Slides are examined at  $\geq 400\times$  (S), unless otherwise noted.

T:\015 01.05.15 (RES Worksheet.rpt)

1/20/2015

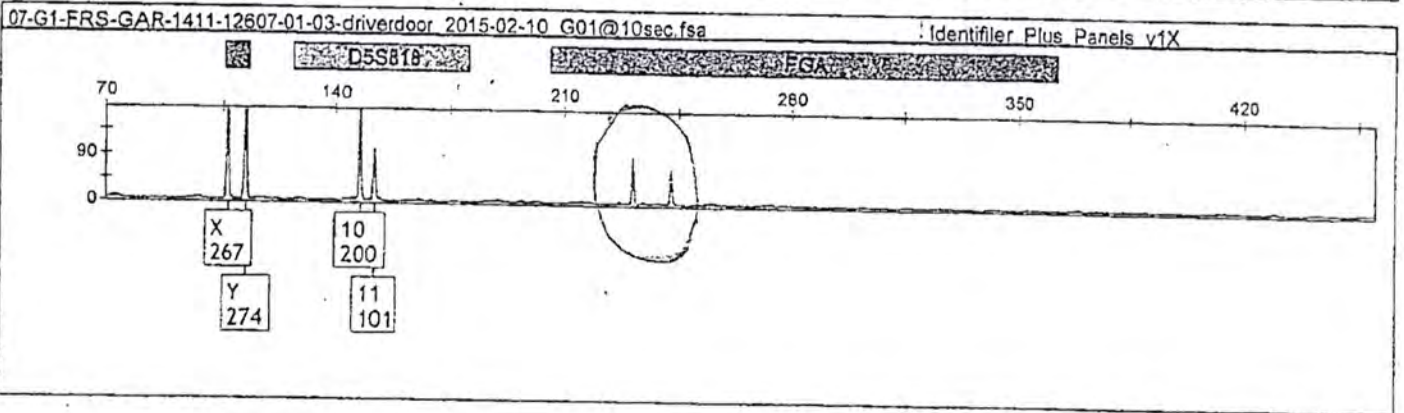
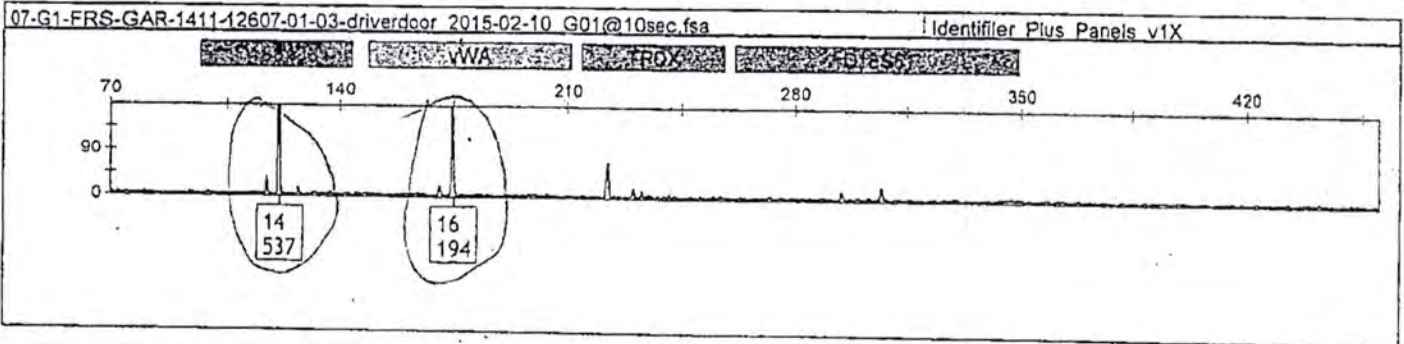
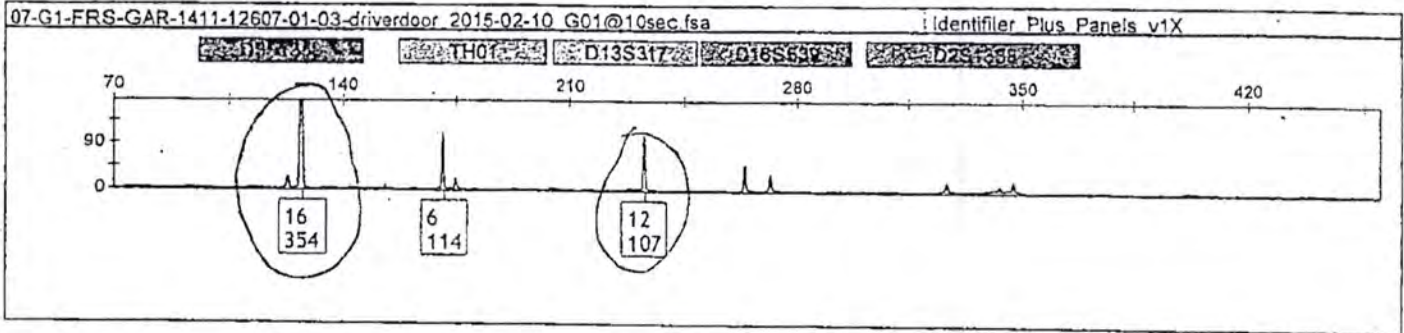
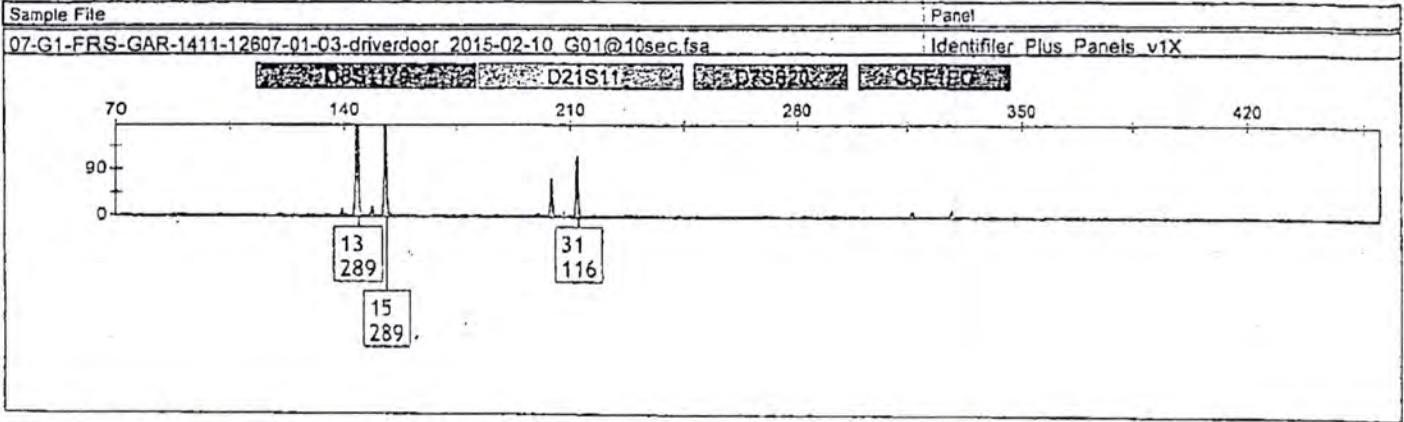
Page 1 of 1

Applied Biosystems  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

pg. 2

Nm



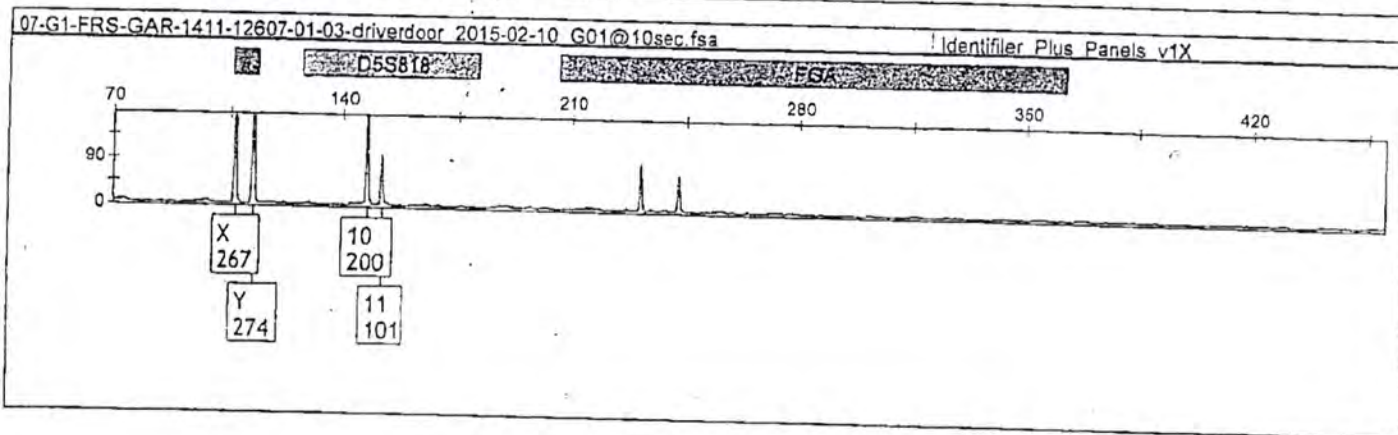
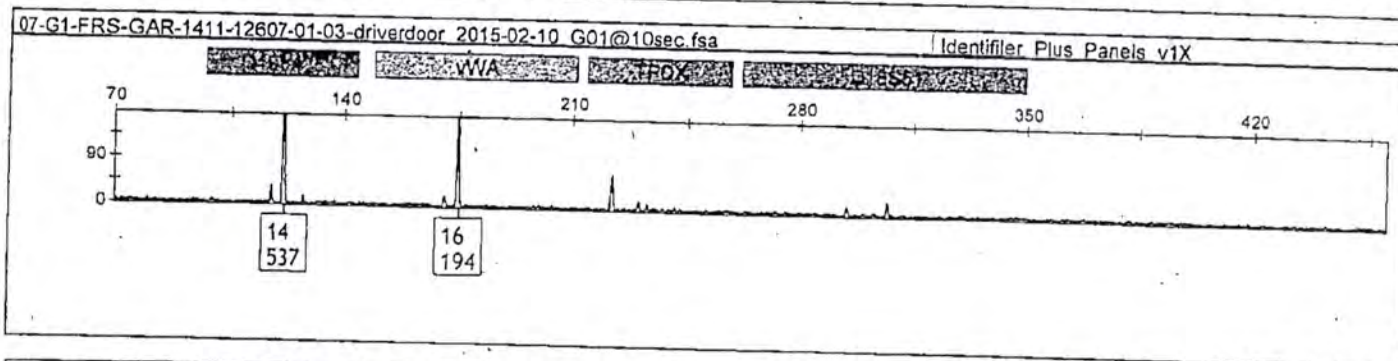
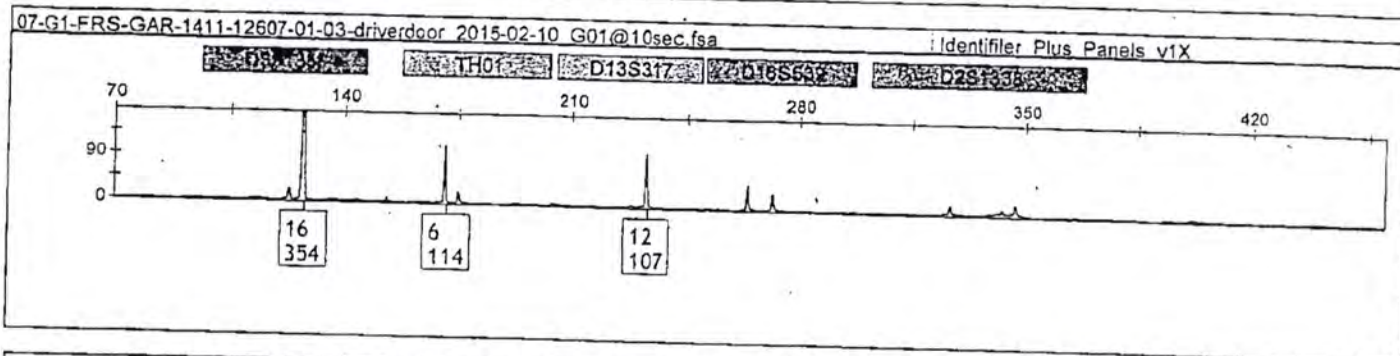
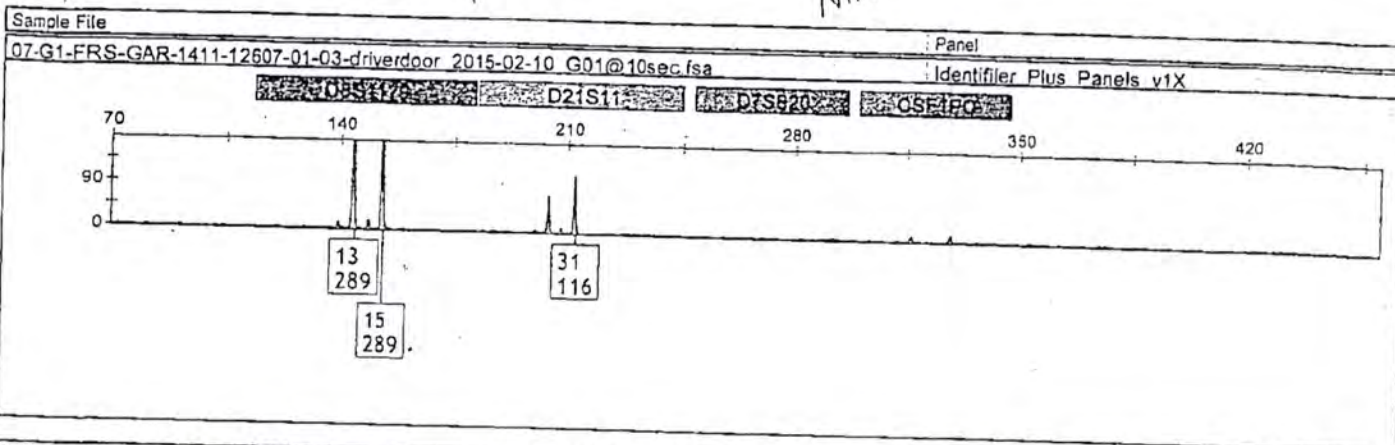
Used for Report

Applied Biosystems  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

Pg. 2

NM



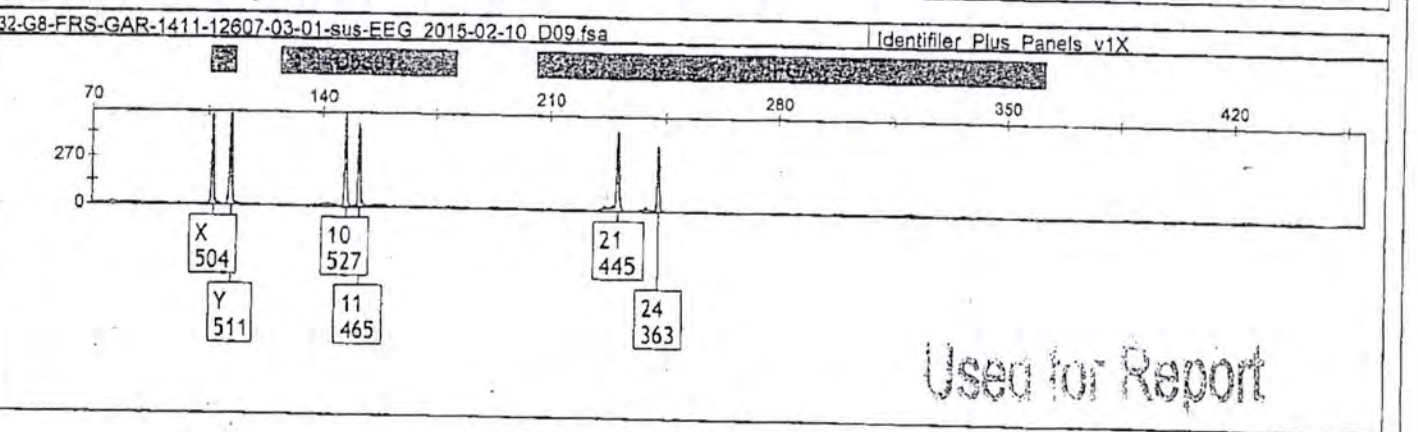
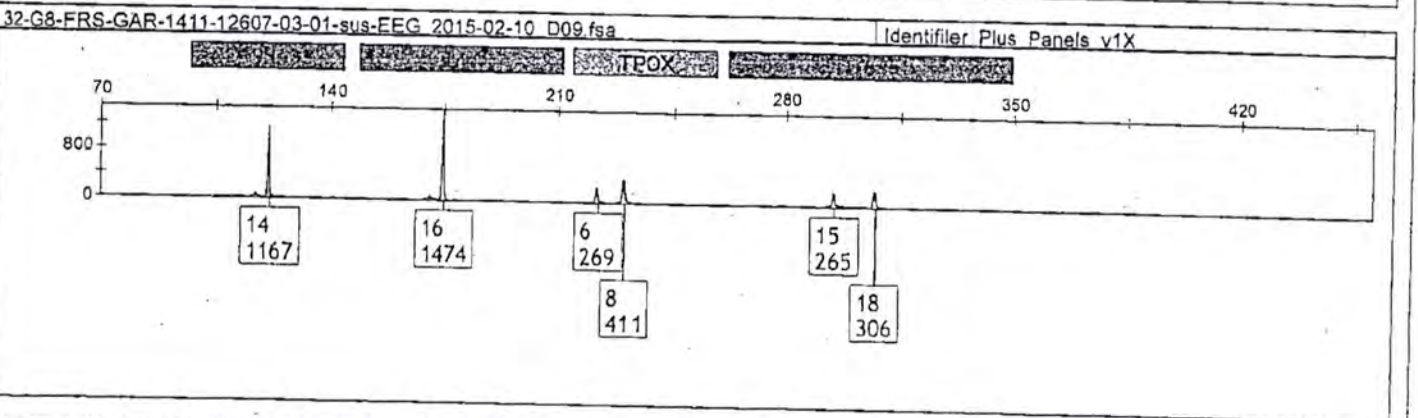
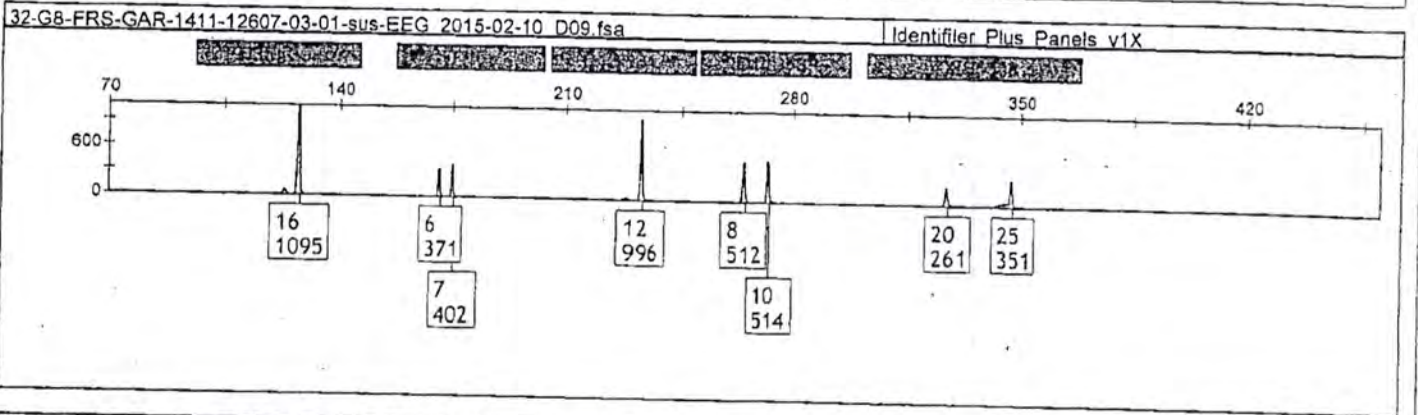
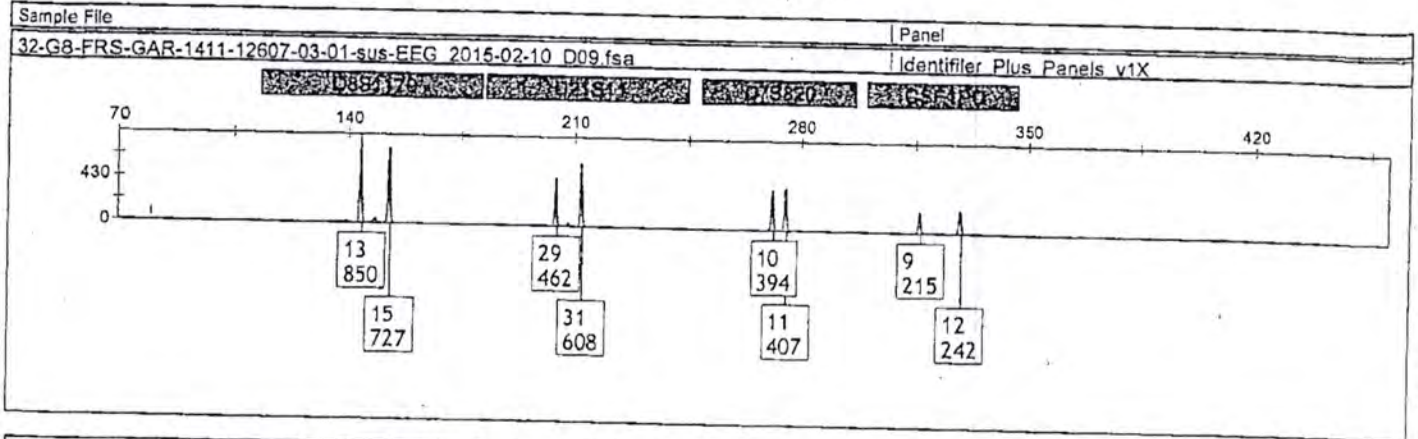
Used for Report

Applied Biosystems  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

Pg. 3

NM



Used for Report

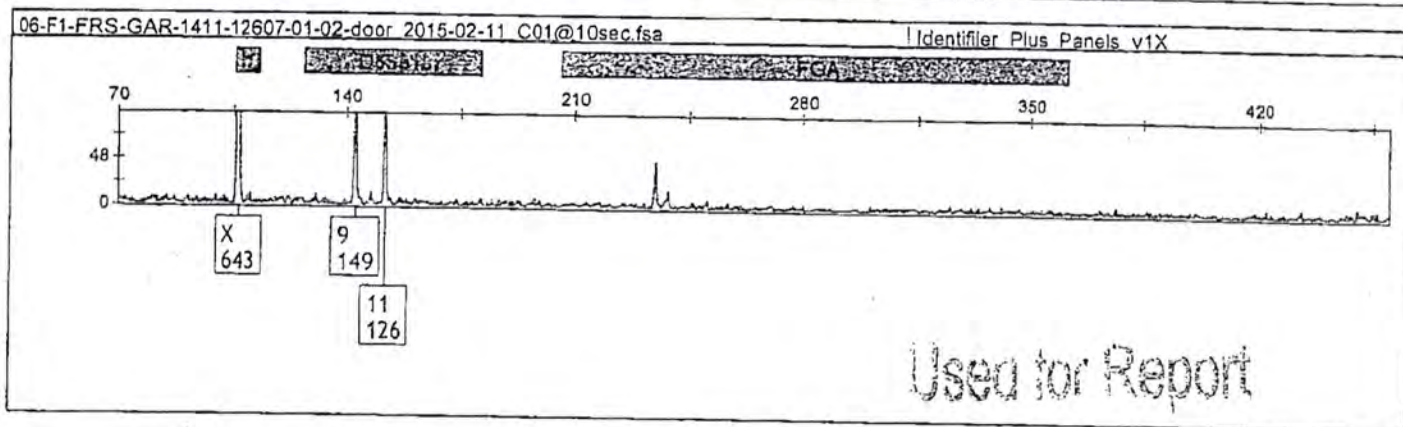
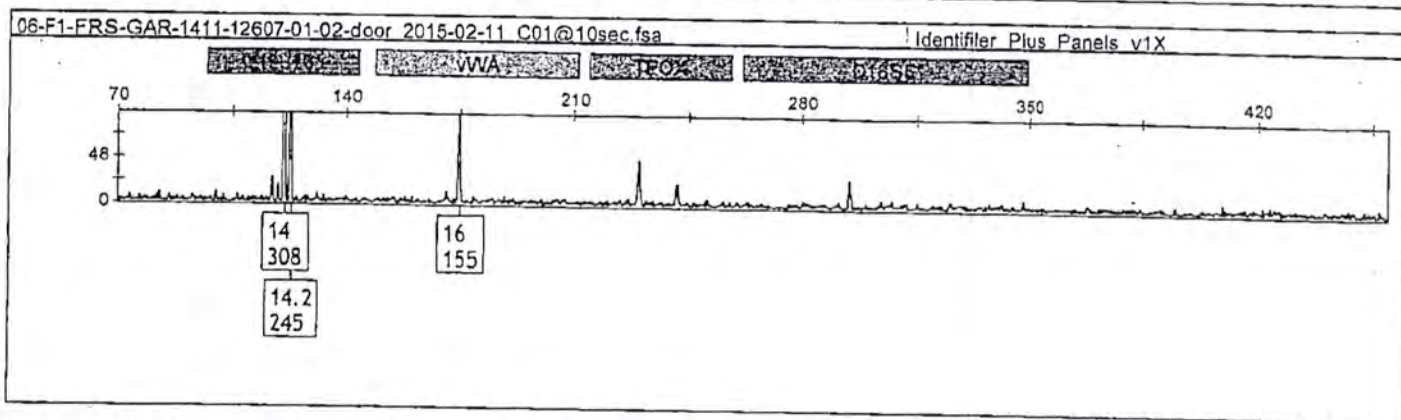
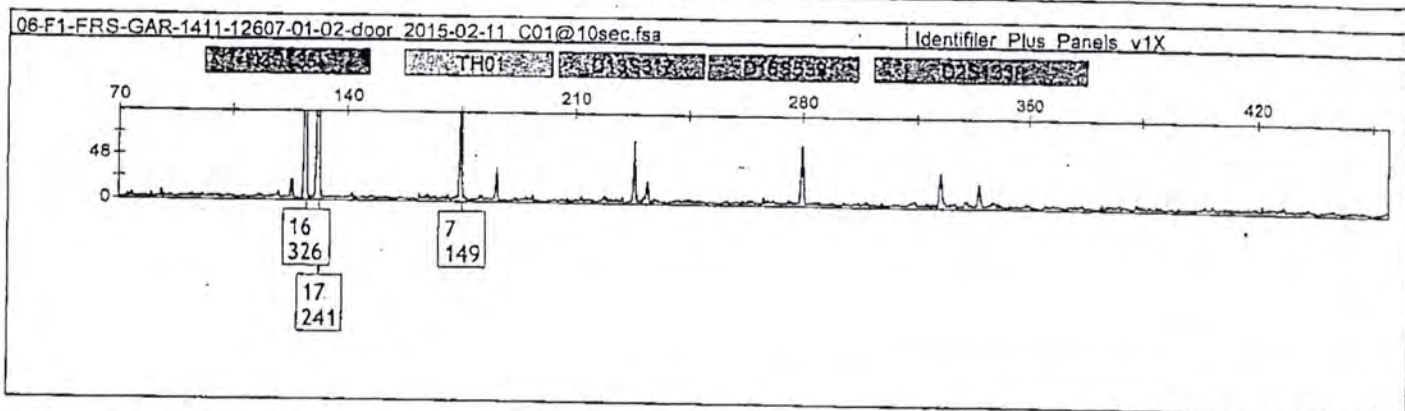
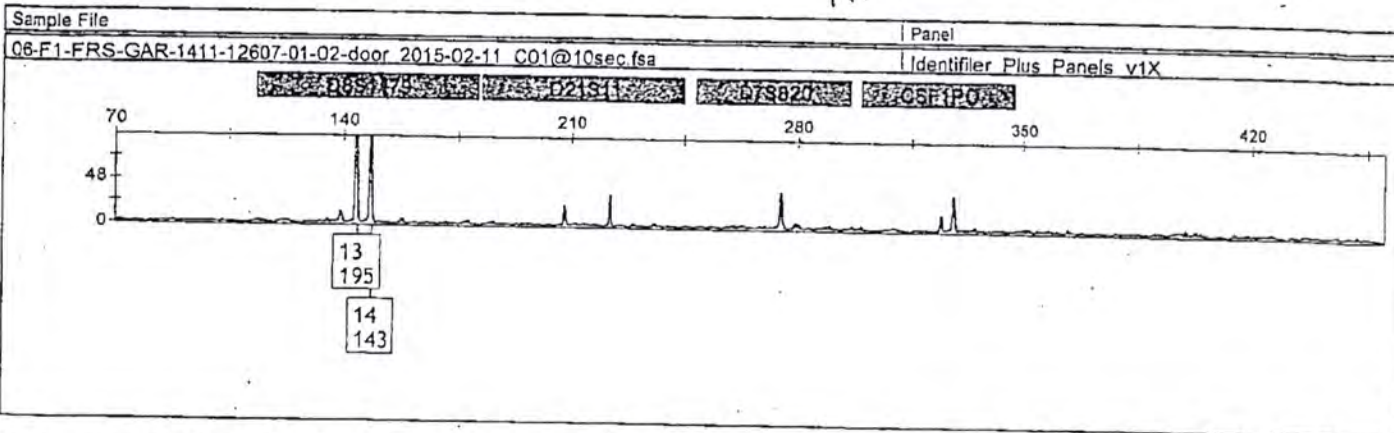


Applied Biosystems  
GeneMapper® ID-X 1.4

Project: 02-11-15nm Rush5

Pg. 4

NM



Used for Report

NM

Sample File	Panel
05-E1-FRS-GAR-1411-12607-01-01-tire 2015-02-13 A05.fsa	Identifiler Plus Panels v1X

# Unidentified Female Profile

[Faint, illegible text spanning the main body of the page, likely bleed-through from the reverse side.]

[Faint, illegible text in the bottom right corner, possibly a signature or initials.]

## DNA BATCH REVIEW

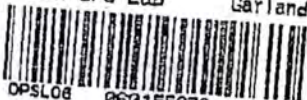
CASE # \_\_\_\_\_

DATE/INITIALS OF BATCH CREATOR: NM 2/16/15DATE/INITIALS OF BATCH REVIEW: 2-18-15 DC

Extraction	Batch name: <u>Rush plate 5</u>	Batch Reviewer
	Extraction type selected	✓
	Time/Temperature(s) noted	✓
	Extract volumes noted	✓
	Reagent blank volume less than or equal to sample volume	✓
	Extraction sheets present, if needed, (Differential/Manual/Clean-up)	✓
	Tube order verified	—
Quant	Kit lot # and expiration date present	✓
	7500 used noted and correct kit checked	✓
	Tube order verified (if samples in tubes)	✓
	Reviewed std curve and checked for true negatives and potentially inhibited samples	✓
Amp	Positive & negative controls present	✓
	Kit lot # and expiration date present with correct kit checked	✓
	Thermal cycler used denoted	✓
	Reagent blank(s) amped at volume equivalent to largest sample volume amped	✓
	Tube order verified (if samples in tubes)	✓
Post-Amplification	Run retyped, reanalyzed, and reviewed	✓
	Reasons for re-injections noted	✓
	Alternate injection times noted on injection list	✓
	Reagent blanks and negative controls verified no profile	✓

-- = N/A ✓ = OK  
 Edited on 08/21/13

Texas DPS Lab Garland



OPSLab 060155978  
 DNA extracts envelope NM 2/16/15





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**DNA Extraction Worksheet**

LAB-DNA-07 Rev.06 (02/2014) p.1 issued by: QAC

Lab Case # \_\_\_\_\_

Analyst NM NM

Date/Time 1/28/15 4:30 PM

Qiagen ☒ 148043628

Organic ☐

Chelex ☐

Prepfil ☐

Temp. 56/70 (°C)

Automated Extraction ☒  
Instrument # 129

**Unknowns**

*Additional clean-up steps must be noted*

#	Case # / Unique Identifier.	µL orig. vol.*	Cells/Field ≥400X (S) epi*/sp	ng/µL Human	ng/µL Male	Volume Amplified (µL)			Comments
						Identifiler Plus	Yfiler	Minifiler	
	01-A1-GIG-GAR-1401-00735-04-01-AB-diaper	50		0.0694		10			
	02-B1-GIG-GAR-1401-00735-04-01-AA-tabs	50		0.0621		10			
	03-C1-KLF-GAR-1402-01517-02-05-AB-dildo	50		0.249		10 of 1:2.5 10 ml	NM 2/15		
	04-D1-KLF-GAR-1402-01517-02-05-AC-dildo	50		0.0165		10			
	05-E1-FRS-GAR-1411-12607-01-01-tire	50		2.71		10 of 1:20 10, T	NM 2/15		
	06-F1-FRS-GAR-1411-12607-01-02-door	50		0.205		10 of 1:2.5 10			
	07-G1-FRS-GAR-1411-12607-01-03-driverdoor	50		0.0826		10			
	08-H1-FRS-GAR-1411-13101-01-01-AA-01-pack	50		Negative		10			
	09-A2-FRS-GAR-1411-13101-01-01-AB-01-bag	50		Negative		10			
	10-B2-SLS-GAR-1501-00209-01-03-AA-tape	50		0.0102		10			
	11-C2-SLS-GAR-1501-00209-01-04-AA-tape	50		Negative		10			
	12-D2-SLS-GAR-1501-00209-01-05-AA-tape	50		Negative		10			
	13-RB1-unknowns-012815	50		0.0073		10			
	14-RB2-unknowns-012815	50		Negative		10			

\*Optional Note: Date listed refers to date of extraction. Refer to other worksheets for quantitation/amplification dates.





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**DNA Extraction Worksheet**

LAB-DNA-07 Rev.06 (02/2014) p.1 Issued by: QAC

Lab Case # \_\_\_\_\_

Analyst NM NM

Date/Time 2/4/15 4:30 PM

Qiagen ☒ 148043628

Organic ☐

Chelex ☐

Prepfil ☐

Temp. 56/70 (°C)

Automated Extraction ☒  
Instrument # 129

Unknowns(2)

*Additional clean-up steps must be noted*

#	Case # / Unique Identifier	µL orig. vol.*	Cells/Field ≥400X (S) epi*/sp	ng/µL Human	ng/µL Male	Volume Amplified (µL)			Comments
						Identifiler Plus	Yfiler	Minifiler	
	15-E2-GIG-GAR-1412-14089-13-01-clg	50		1.24		10 of 1:10			
	16-F2-CLW-GAR-1501-00278-01-02-VS	50		0.138		10			
	17-G2-CLW-GAR-1501-00278-01-03-AS	50		Negative		10			
	18-H2-KPC-GAR-1407-07579-02-03-AB-minora	50		17.34		10 of 1:149			
	19-A3-KPC-GAR-1407-07579-02-07-AA-panties	50		1.71		10 of 1:13.3			
	20-B3-NM-GAR-1501-00686-01-02-clg	50		Negative		10			
	21-C3-NM-GAR-1501-00686-01-04-seat	50		0.482		10 of 1:4.3 D, 10	NM 2/18/15		
	22-D3-NM-GAR-1501-00686-01-08-console	50		0.0927		10			
	23-E3-NM-GAR-1501-00209-06-08-van	50		Negative		10			
	24-RB3-unknowns-020415	50		Negative		10			
	25-RB4-unknowns-020415	50		Negative		10			

\*Optional Note: Date listed refers to date of extraction. Refer to other worksheets for quantitation/amplification dates.





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**DNA Extraction Worksheet**

LAB-DNA-07 Rev.06 (02/2014) p.1 Issued by: QAC

Lab Case # \_\_\_\_\_

Analyst NM NM

Date/Time 2/1/15 10:30 AM

Qiagen ☐  
Organic ☐  
Chelex ☒ D20115nm  
Prepfilter ☐

Temp. 56 (°C)

Automated Extraction ☐  
Instrument # \_\_\_\_\_

**Knowns**

*Additional clean-up steps must be noted*

#	Case # / Unique Identifier	µL orig. vol.*	Cells/Field ≥400X (S) epi*/sp	ng/µL Human	ng/µL Male	Volume Amplified (µL)			Comments
						Identifier Plus	Yfiler	Minifiler	
	26-A8-GIG-GAR-1401-00735-05-01-vlc-JS	200		1.29		10 of 1:10			
	27-B8-CMC-GAR-1305-07140-06-01-sus-CD	200		0.443		10 of 1:4.3			
	28-C8-KLF-GAR-1402-01517-01-01-vlc-AMC	200		0.694		10 of 1:5.7			
	29-D8-KLF-GAR-1402-01517-02-02-sus-DF	200		2.26		10 of 1:20			
	30-E8-KLF-GAR-1402-01517-02-03-ellm-AG	200		1.25		10 of 1:10			
	31-F8-gr-GAR-1306-07495-05-01-sus-SY	200		3.41		10 of 1:26			
	32-G8-FRS-GAR-1411-12807-03-01-sus-EEG	200		2.29		10 of 1:19.9			
	33-H8-CN-GAR-1303-03075-04-01-susCM	200		1.56		10 of 1:13.3			
	34-A9-FRS-GAR-1411-13101-02-01-sus-OCG	200		9.48		10 of 1:86			
	35-B9-SLS-GAR-1501-00209-01-02-AA-vlc-BH	200		4.48		10 of 1:36, 10 of 1:10 <sup>5m</sup> 2/5/15			
	36-C9-SLS-GAR-1501-00209-03-01-sus-LD	200		5.24		10 of 1:50			
	37-RB5-knowns-020115	200		Negative		10			

\*Optional Note: Date listed refers to date of extraction. Refer to other worksheets for quantitation/amplification dates.





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**DNA Extraction Worksheet**

LAB-DNA-07 Rev.06 (02/2014) p.1 Issued by: QAC

Lab Case # \_\_\_\_\_

Analyst NM NM

Date/Time 2/2/15 12:00 PM

Qiagen ☒ 148043628  
Organic ☐  
Chelex ☐  
Prepfilier ☐

Temp. 56/70 (°C)

Automated Extraction ☒  
Instrument # 129

Knowns(2)

*Additional clean-up steps must be noted*

#	Case # / Unique Identifier	µL orig. vol.*	Cells/Field ≥400X (S) epi*/sp	ng/µL Human	ng/µL Male	Volume Amplified (µL)			Comments
						Identifier Plus	Yfiler	Minifier	
	38-D9-CLW-GAR-1501-00278-01-01-vic-DC	50		2.23		10 of 1:19.9			
	39-E9-CLW-GAR-1501-00278-02-01-sus-PD	50		15.75		10 of 1:150			
	40-F9-FRS-GAR-1407-08225-05-01-sus-TW	50		5.36		10 of 1:50			
	41-G9-FRS-GAR-1407-08749-06-01-sus-GD	50		6.09		10 of 1:50			
	42-H9-NM-GAR-1501-00686-13-19-AA-vic-AM	50		1.77		10 of 1:13.3			
	43-A10-NM-GAR-1501-00686-13-20-AA-elim-TS	50		4.32		10 of 1:36			
	44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM	50		5.52		10 of 1:50 10 of 1:10 5+10 of 1:5			
	45-C10-NM-GAR-1501-00686-13-21-elim-DS	50		9.65		10 of 1:86			
	46-D10-NM-GAR-1501-00686-13-22-elim-RM	50		25.06		10 of 1:200			
	47-E10-NM-GAR-1501-00686-13-23-elim-JW	50		11.36		10 of 1:86			
	48-F10-NM-GAR-1501-00686-20-02-AA-elim-GC	50		7.89		10 of 1:64			
	49-G10-NM-GAR-1304-05088-04-01-sus-EW	50		11.56		10 of 1:86			
	50-H10-KPC-GAR-1407-07579-02-01-vicJP	50		0.309		10 of 1:2.5			
	51-RB6-knowns-020215	50		Negative		10			

\*Optional Note: Date listed refers to date of extraction. Refer to other worksheets for quantitation/amplification dates.

volumes added 2/10/15 NM



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**Lot Number Record**

GAR-FRM-DNA

Lab Case # \_\_\_\_\_

Initials NM NM

Range of Dates 1/29/15-2/5/15

Reagent	Lot #	Expiration Date	Reagent	Lot #	Expiration Date
EZ1 DNA Investigator Kit	148043628	7-12-15	TE Buffer for Quant (Quantifiler only)	1-7-15KL	1-7-16
Qiagen G2 Buffer	148031578	7-12-15	TE Buffer for Amplification	1-7-15KL	1-7-16
Sterile diH <sub>2</sub> O for G2 dilution	1-28-15 SMD	1-28-16	Qiagen cleanup:		
Qiagen Proteinase K	148031832	7-12-15	QIAamp DNA Kit		
Qiagen ATL Buffer	148017636	7-12-15	TE buffer		
DTT 1M	092514cn	9-25-15	Ethanol _____		
Qiagen MTL Buffer	145052615	7-12-15	Microcon concentration:		
Carrier RNA	148039487	7-12-15	TE buffer		
QIAamp DNA Kit					
TE buffer					
Sterile diH <sub>2</sub> O					
Digest Buffer					
Proteinase K (10mg/mL) (differentials only)					
DTT 1M					
Ethanol _____					
PrepFiler Kit					
Isopropanol _____					
Wash Buffer A					
Wash Buffer B					
TE Buffer (if used in place of elution buffer)					



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Lab Case # \_\_\_\_\_

Analyst NM NMDate 2/9/15

### Quantitation Load Sheet

Lab-DNA-13 Rev.04 (10/2012) p.1 Issued by: QAC

☒ QuantifilerKit Lot # 1405188☐ Quantifiler DuoKit Expiration Date 6/11/157500# 67Automated Setup ☒

139

	1	2	3	4	5	6	7	8	9	10	11	12
A	STD11	STD21	01-A1-GIG-GAR-1401-00735-04-01-AB-dlaper	09-A2-FRS-GAR-1411-13101-01-01-AB-01-bag	17-G2-CLW-GAR-1501-00278-01-03-AS	25-RB4-unknowns-020415	33-H8-CN-GAR-1303-03075-04-01-susCM	41-G9-FRS-GAR-1407-08749-06-01-sus-GD	49-G10-NM-GAR-1304-05088-04-01-sus-EW			
B	STD12	STD22	02-B1-GIG-GAR-1401-00735-04-01-AA-tabs	10-B2-SLS-GAR-1501-00209-01-03-AA-tape	18-H2-KPC-GAR-1407-07579-02-03-AB-minora	26-A8-GIG-GAR-1401-00735-05-01-vic-JS	34-A9-FRS-GAR-1411-13101-02-01-sus-OCG	42-H9-NM-GAR-1501-00686-13-19-AA-vic-AM	50-H10-KPC-GAR-1407-07579-02-01-vicJP			
C	STD13	STD23	03-C1-KLF-GAR-1402-01517-02-05-AB-dildo	11-C2-SLS-GAR-1501-00209-01-04-AA-tape	19-A3-KPC-GAR-1407-07579-02-07-AA-panties	27-B8-CMC-GAR-1305-07140-06-01-sus-CD	35-B9-SLS-GAR-1501-00209-01-02-AA-vic-BH	43-A10-NM-GAR-1501-00686-13-20-AA-elim-TS	51-RB8-knowns-020215			
D	STD14	STD24	04-D1-KLF-GAR-1402-01517-02-05-AC-dildo	12-D2-SLS-GAR-1501-00209-01-05-AA-tape	20-B3-NM-GAR-1501-00686-01-02-clg	28-C8-KLF-GAR-1402-01517-01-01-vic-AMC	36-C9-SLS-GAR-1501-00209-03-01-sus-LD	44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM	blank			
E	STD15	STD25	05-E1-FRS-GAR-1411-12607-01-01-ure	13-RB1-unknowns-012815	21-C3-NM-GAR-1501-00686-01-04-seat	29-D8-KLF-GAR-1402-01517-02-02-sus-DF	37-RB8-knowns-020115	45-C10-NM-GAR-1501-00686-13-21-elim-DS				
F	STD16	STD26	06-F1-FRS-GAR-1411-12607-01-02-door	14-RB2-unknowns-012815	22-D3-NM-GAR-1501-00686-01-08-console	30-E8-KLF-GAR-1402-01517-02-03-elim-AG	38-D9-CLW-GAR-1501-00278-01-01-vic-DC	46-D10-NM-GAR-1501-00686-13-22-elim-RM				
G	STD17	STD27	07-G1-FRS-GAR-1411-12607-03-03-driverdoor	15-E2-GIG-GAR-1412-14089-13-01-clg	23-E3-NM-GAR-1501-00209-06-08-van	31-F8-gr-GAR-1306-07495-05-01-sus-SY	39-E9-CLW-GAR-1501-00278-02-01-sus-PD	47-E10-NM-GAR-1501-00686-13-23-elim-JW				
H	STD18	STD28	08-H1-FRS-GAR-1411-13101-01-01-AA-01-pack	16-F2-CLW-GAR-1501-00278-01-02-VS	24-RB3-unknowns-020415	32-G8-FRS-GAR-1411-12607-03-01-sus-EEG	40-F9-FRS-GAR-1407-08225-05-01-sus-TW	48-F10-NM-GAR-1501-00686-20-02-AA-elim-GC				

KEY:

Case Number

Notes:

Unique Identifier

*Star true Negative*

	1	2	3	4	5	6	7	8	9	10	11	12
A	STD 1 Unlabeled 5.00e+001	STD 2 Unlabeled 5.00e+001	01-A1-GRS-GAR-1 Unlabeled 6.04e+002	08-A2-FRS-GAR- Unlabeled	17-B2-C1W-GAR- Unlabeled	25-R3A-unknown Unlabeled	33-B3-CAR-GAR-1 Unlabeled 1.50e+000	41-C3-FRS-GAR- Unlabeled 6.09e+000	48-G10-NM-GAR- Unlabeled 1.16e+001	Unlabeled	Unlabeled	Unlabeled
B	STD 1 Z Unlabeled 1.07e+001	STD 2 Z Unlabeled 1.07e+001	02-B1-C1G-GAR-1 Unlabeled 1.27e+002	10-B2-S1S-GAR- Unlabeled 1.02e+002	18-H2-R3C-GAR- Unlabeled 1.72e+001	26-F2-C1G-GAR-1 Unlabeled 1.20e+000	34-A2-FRS-GAR- Unlabeled 9.48e+000	42-B1S-NM-GAR-1 Unlabeled 1.77e+000	50-H10-R3C-GAR- Unlabeled 3.05e+001	Unlabeled	Unlabeled	Unlabeled
C	STD 1 3 Unlabeled 5.50e+000	STD 2 3 Unlabeled 5.50e+000	03-C1-H1-GAR-1 Unlabeled 2.45e+001	11-C2-S1S-GAR- Unlabeled	19-A3-R3C-GAR- Unlabeled 1.71e+000	27-B3-C1G-GAR- Unlabeled 4.42e+001	35-B3-S1S-GAR- Unlabeled 4.48e+000	43-A10-NM-GAR- Unlabeled 4.32e+000	51-R3C-unknown-0 Unlabeled	Unlabeled	Unlabeled	Unlabeled
D	STD 1 4 Unlabeled 1.85e+000	STD 2 4 Unlabeled 1.85e+000	04-D1-R3-GAR- Unlabeled 1.95e+002	12-D2-S1S-GAR- Unlabeled	20-B3-NM-GAR-1 Unlabeled	28-C3-R3-GAR- Unlabeled 6.94e+001	36-C3-S1S-GAR- Unlabeled 5.24e+000	44-B10-NM-GAR- Unlabeled 5.52e+000	51-R3C-unknown-0 Unlabeled	Unlabeled	Unlabeled	Unlabeled
E	STD 1 5 Unlabeled 6.20e+001	STD 2 5 Unlabeled 6.20e+001	05-E1-FRS-GAR- Unlabeled 2.71e+000	13-R3I-unknown- Unlabeled 7.20e+003	21-C3-NM-GAR-1 Unlabeled 4.82e+001	29-D4-R3-GAR- Unlabeled 2.20e+000	37-R3S-unknown-0 Unlabeled	45-C10-NM-GAR- Unlabeled 9.05e+000	51-R3C-unknown-0 Unlabeled	Unlabeled	Unlabeled	Unlabeled
F	STD 1 6 Unlabeled 2.10e+001	STD 2 6 Unlabeled 2.10e+001	06-F1-FRS-GAR- Unlabeled 2.05e+001	14-R3Z-unknown- Unlabeled	22-D3-NM-GAR-1 Unlabeled 9.27e+002	30-E3-R3-GAR-1 Unlabeled 1.25e+000	38-D3-C1W-GAR- Unlabeled 2.22e+000	46-D10-NM-GAR- Unlabeled 9.25e+001	51-R3C-unknown-0 Unlabeled	Unlabeled	Unlabeled	Unlabeled
G	STD 1 7 Unlabeled 6.80e+002	STD 2 7 Unlabeled 6.80e+002	07-G1-FRS-GAR- Unlabeled 9.26e+002	15-E2-C1G-GAR-1 Unlabeled 1.24e+000	23-E3-NM-GAR-1 Unlabeled	31-F3-R3-GAR-13 Unlabeled 3.41e+000	39-E3-C1W-GAR- Unlabeled 1.59e+001	47-E10-NM-GAR- Unlabeled 1.14e+001	51-R3C-unknown-0 Unlabeled	Unlabeled	Unlabeled	Unlabeled
H	STD 1 8 Unlabeled 2.30e+002	STD 2 8 Unlabeled 2.30e+002	08-H1-FRS-GAR- Unlabeled	16-F2-C1W-GAR- Unlabeled 1.38e+001	24-R3A-unknown- Unlabeled	32-E3-FRS-GAR- Unlabeled 2.29e+000	40-F3-FRS-GAR- Unlabeled 5.33e+000	48-F10-NM-GAR- Unlabeled 7.89e+000	51-R3C-unknown-0 Unlabeled	Unlabeled	Unlabeled	Unlabeled

Lot #: 1405189

EXP: 6/11/15

7560 #1: 107

Tube order verified by: *nm*

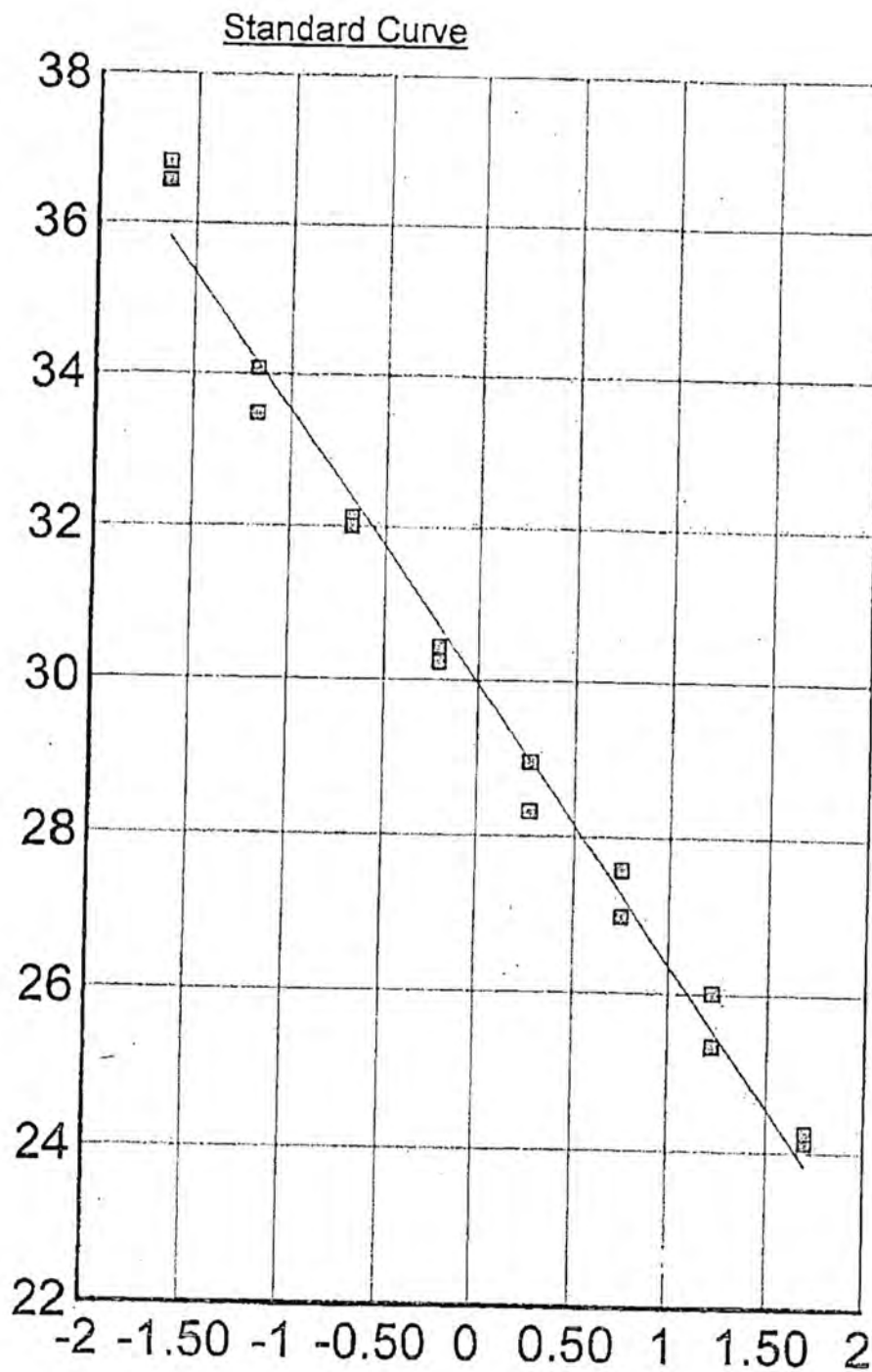
2-9-15

02-09-15mm (Absolute Quantification)

NM

Revised for 2-10-15

Ct



NM

Log C0  
Detector: Quantifiler Human, Slope: -3.599725, Intercept: 29.941435, R2: 0.985825  
Document: 02-09-15nm (Absolute Quantification)



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Lab Case # \_\_\_\_\_

Analyst NM NymDate 2/9/15

### Amplification Worksheet

Lab-CNA-08 Rev.05 (05/2014) p.1 Issued by: QAC

☒ Identifier PlusKit Lot # 1409087☐ MinifilerKit Expiration Date 3/29/16☐ Yfiler ☐ Y23Thermal Cycler # 46Automated Setup ☒

139

	1	2	3	4	5	6	7	8	9	10	11	12
A	01-A1-GIG-GAR-1401-00735-04-01-AB-dlaper 10	09-A2-FRS-GAR-1411-13101-01-01-AB-01-bag 10	14-RB2-unknowns-012815 10	22-D3-NM-GAR-1501-00686-01-08-console 10	29-D8-KLF-GAR-1402-01517-02-02-sus-DF 10 of 1:20	37-RB5-knowns-020115 10	44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM 10 of 1:50					
B	02-B1-GIG-GAR-1401-00735-04-01-AA-tabs 10	10-B2-SLS-GAR-1501-00209-01-03-AA-tape 10	15-E2-GIG-GAR-1412-14089-13-01-clg 10 of 1:10	23-E3-NM-GAR-1501-00209-06-08-van 10	30-E8-KLF-GAR-1402-01517-02-03-elim-AG 10 of 1:10	38-D9-CLW-GAR-1501-00278-01-01-vic-DC 10 of 1:19.9	45-C10-NM-GAR-1501-00686-13-21-elim-DS 10 of 1:86					
C	03-C1-KLF-GAR-1402-01517-02-05-AB-dildo 10 of 1:2.5	11-C2-SLS-GAR-1501-00209-01-04-AA-tape 10	16-F2-CLW-GAR-1501-00278-01-02-VS 10	24-RB3-unknowns-020415 10	31-F8-gr-GAR-1306-07495-05-01-sus-SY 10 of 1:28	39-E9-CLW-GAR-1501-00278-02-01-sus-PD 10 of 1:150	46-D10-NM-GAR-1501-00686-13-22-elim-RM 10 of 1:200					
D	04-D1-KLF-GAR-1402-01517-02-05-AC-dildo 10	12-D2-SLS-GAR-1501-00209-01-05-AA-tape 10	17-G2-CLW-GAR-1501-00278-01-03-AS 10	25-RB4-unknowns-020415 10	32-G8-FRS-GAR-1411-12607-03-01-sus-EEG 10 of 1:19.9	40-F9-FRS-GAR-1407-08225-05-01-sus-TW 10 of 1:50	47-E10-NM-GAR-1501-00686-13-23-elim-JW 10 of 1:86					
E	05-E1-FRS-GAR-1411-12607-01-01-Ure 10 of 1:20	13-RB1-unknowns-012815 10	18-H2-KPC-GAR-1407-07579-02-03-AB-minora 10 of 1:149	26-A8-GIG-GAR-1401-00735-05-01-vic-JS 10 of 1:10	33-H8-CN-GAR-1303-03075-04-01-sus-CM 10 of 1:13.3	41-G9-FRS-GAR-1407-08749-06-01-sus-GD 10 of 1:50	48-F10-NM-GAR-1501-00686-20-02-AA-elim-GC 10 of 1:64					
F	06-F1-FRS-GAR-1411-12607-01-02-door 10 of 1:2.5	Positive Control	19-A3-KPC-GAR-1407-07579-02-07-AA-panties 10 of 1:13.3	27-B8-CMC-GAR-1305-07140-06-01-sus-CD 10 of 1:4.3	34-A9-FRS-GAR-1411-13101-02-01-sus-OCG 10 of 1:86	42-H9-NM-GAR-1501-00686-13-19-AA-vic-AM 10 of 1:13.3	49-G10-NM-GAR-1304-05088-04-01-sus-EW 10 of 1:86					
G	07-G1-FRS-GAR-1411-12607-01-03-driverdoor 10	Negative Control	20-B3-NM-GAR-1501-00686-01-02-clg 10	28-C8-KLF-GAR-1402-01517-01-01-vic-AMC 10 of 1:5.7	35-B9-SLS-GAR-1501-00209-01-02-AA-vic-BH 10 of 1:36	43-A10-NM-GAR-1501-00686-13-20-AA-elim-TS 10 of 1:36	50-H10-KPC-GAR-1407-07579-02-01-vic-JP 10 of 1:2.5					
H	08-H1-FRS-GAR-1411-13101-01-01-AA-01-pack 10		21-C3-NM-GAR-1501-00686-01-04-seat 10 of 1:4.3		36-C9-SLS-GAR-1501-00209-03-01-sus-LD 10 of 1:50		51-RB6-knowns-020215 10					

KEY:

Case Number  
Unique Identifier  
\*ul Sample (Optional)  
\*ng Sample (Optional)

Notes:

Tubes remained on Tecan between  
quant and amp - NM 2/10/15



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**Amplification Worksheet**

LAB-DNA-08 Rev.05 (10/2012) p.1 Issued by: GAC

Lab Case # \_\_\_\_\_

Analyst NM NM

Date 2/11/15

☒ Identifier Plus

☐ MiniFiler

☐ Yfiler

Kit Lot # 1409087

Kit Expiration Date 3/29/16

Thermal Cycler # 134

Automated Setup ☐

	1	2	3	4	5	6	7	8	9	10	11	12
A	03-C1-KLF- GAR-1402- 01517-02- 05-AB-dildo  10 ul											
B	05-E1-FRS- GAR-1411- 12607-01- 01-tire  10 ul											
C	06-F1-FRS- GAR-1411- 12607-01- 02-door  10 ul											
D	21-C3-NM- GAR-1501- 00686-01- 04-seat  10 ul											
E	35-B9-SLS- GAR-1501- 00209-01- 02-AA-vic- BH  10 of 1:10											
F	44-B10-NM- GAR-1501- 00686-13- 20-AB-elim- IM  10 of 1:10											
G	Positive- control											
H	Negative- control											

KEY:

Case Number  
Unique Identifier  
\* µL Sample (optional)  
\* ng Sample (optional)

Notes:



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**Amplification Worksheet**

LAB-DNA-08 Rev.05 (10/2012) p.1 Issued by: OAC

Lab Case # \_\_\_\_\_

Analyst NM NM

Date 2/12/15

☒ Identifier Plus

☐ MiniFiler

☐ Yfiler

Kit Lot # 1409087

Kit Expiration Date 3/29/16

Thermal Cycler # 134

Automated Setup ☐

	1	2	3	4	5	6	7	8	9	10	11	12
A	05-E1-FRS- GAR-1411- 12607-01- 01-tire  7 ul											
B	21-C3-NM- GAR-1501- 00686-01- 04-seat  5 ul											
C	Positive- control											
D	Negative- control											
E												
F												
G												
H												

KEY:

Case Number  
Unique Identifier  
\* µL Sample (optional)  
\* ng Sample (optional)

Notes:

**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a  
NM

Sample File	Sample Type	Analysis Method	Instrument ID	UD2
46 22-D3-NM-GAR-1501-00686-01-08-console_2015-02-10_A06.fsa	Sample	IDPlus_v1X	3130-82-21265-025	P<T, see 10s
47 22-D3-NM-GAR-1501-00686-01-08-console_2015-02-10_A06@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
48 23-E3-NM-GAR-1501-00209-06-08-van_2015-02-10_B06.fsa	Sample	IDPlus_v1X	3130-82-21265-025	no profile, see 10s
49 23-E3-NM-GAR-1501-00209-06-08-van_2015-02-10_B06@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
50 24-RB3-unknowns-020415_2015-02-10_C06.fsa	Sample	IDPlus_v1X	3130-82-21265-025	see 10s
51 24-RB3-unknowns-020415_2015-02-10_C06@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	nm 2/18/15
52 25-RB4-unknowns-020415_2015-02-10_D06.fsa	Sample	IDPlus_v1X	3130-82-21265-025	see 10s
53 25-RB4-unknowns-020415_2015-02-10_D06@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
54 26-AB-GIG-GAR-1401-00735-05-01-vic-JS_2015-02-10_E06.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
55 26-AB-GIG-GAR-1401-00735-05-01-vic-JS_2015-02-10_E06@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
56 27-BB-CMC-GAR-1305-07140-06-01-sus-CD_2015-02-10_F06.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
57 27-BB-CMC-GAR-1305-07140-06-01-sus-CD_2015-02-10_F06@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
58 28-C8-KLF-GAR-1402-01517-01-01-vic-AMC_2015-02-10_G06.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
59 28-C8-KLF-GAR-1402-01517-01-01-vic-AMC_2015-02-10_G06@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
60 Ladder_2015-02-10_H06.fsa	Allelic Ladder	IDPlus_v1X	3130-82-21265-025	
61 29-D8-KLF-GAR-1402-01517-02-02-sus-DF_2015-02-10_A09.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
62 29-D8-KLF-GAR-1402-01517-02-02-sus-DF_2015-02-10_A09@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
63 30-E8-KLF-GAR-1402-01517-02-03-elim-AG_2015-02-10_B09.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
64 30-E8-KLF-GAR-1402-01517-02-03-elim-AG_2015-02-10_B09@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
65 31-F8-JT-GAR-1306-07495-05-01-sus-SY_2015-02-10_C09.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
66 31-F8-JT-GAR-1306-07495-05-01-sus-SY_2015-02-10_C09@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
67 32-G8-FRS-GAR-1411-12607-03-01-sus-EEG_2015-02-10_D09.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
68 32-G8-FRS-GAR-1411-12607-03-01-sus-EEG_2015-02-10_D09@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
69 33-H8-CN-GAR-1303-03075-04-01-sus-CIM_2015-02-10_E09.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
70 33-H8-CN-GAR-1303-03075-04-01-sus-CIM_2015-02-10_E09@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
71 34-A9-FRS-GAR-1411-13101-02-01-sus-OCG_2015-02-10_F09.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
72 34-A9-FRS-GAR-1411-13101-02-01-sus-OCG_2015-02-10_F09@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
73 35-B9-SLS-GAR-1501-00209-01-02-AA-vic-BH_2015-02-10_G09.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
74 35-B9-SLS-GAR-1501-00209-01-02-AA-vic-BH_2015-02-10_G09@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	P<T, see 10s
75 36-C9-SLS-GAR-1501-00209-03-01-sus-LD_2015-02-10_H09.fsa	Sample	IDPlus_v1X	3130-82-21265-025	P<T, RA
76 36-C9-SLS-GAR-1501-00209-03-01-sus-LD_2015-02-10_H09@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	OMR
77 37-RB5-unknowns-020115_2015-02-10_A10.fsa	Sample	IDPlus_v1X	3130-82-21265-025	OMR, P1@5s
78 37-RB5-unknowns-020115_2015-02-10_A10@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	nm 2/18/15
79 38-D9-CLW-GAR-1501-00278-01-01-vic-DC_2015-02-10_B10.fsa	Sample	IDPlus_v1X	3130-82-21265-025	bad injection, see 10s
80 38-D9-CLW-GAR-1501-00278-01-01-vic-DC_2015-02-10_B10@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	P1@5s nm 2/18/15
81 39-E9-CLW-GAR-1501-00278-02-01-sus-PD_2015-02-10_C10.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
82 39-E9-CLW-GAR-1501-00278-02-01-sus-PD_2015-02-10_C10@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
83 40-F9-FRS-GAR-1407-08225-05-01-sus-TW_2015-02-10_D10.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
84 40-F9-FRS-GAR-1407-08225-05-01-sus-TW_2015-02-10_D10@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
85 41-G9-FRS-GAR-1407-08749-06-01-sus-GD_2015-02-10_E10.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
86 41-G9-FRS-GAR-1407-08749-06-01-sus-GD_2015-02-10_E10@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
87 42-H9-NM-GAR-1501-00686-13-19-AA-vic-AM_2015-02-10_F10.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
88 42-H9-NM-GAR-1501-00686-13-19-AA-vic-AM_2015-02-10_F10@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
89 43-A10-NM-GAR-1501-00686-13-20-AA-elim-TS_2015-02-10_G10.fsa	Sample	IDPlus_v1X	3130-82-21265-025	
90 43-A10-NM-GAR-1501-00686-13-20-AA-elim-TS_2015-02-10_G10@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed

Wed Feb 11 2015 09:15AM, CST

Printed by: analyst NM

91	Sample File Ladder_2015-02-10_H10.fsa	Sample Type Allelic Ladder	Analysis Method IDPlus v1X	Instrument ID 3130-82-21265-025	UD2
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Retyped, reanalyzed, reviewed  
tk-2-18.15

Wed Feb 11, 2015 09:15AM, CST

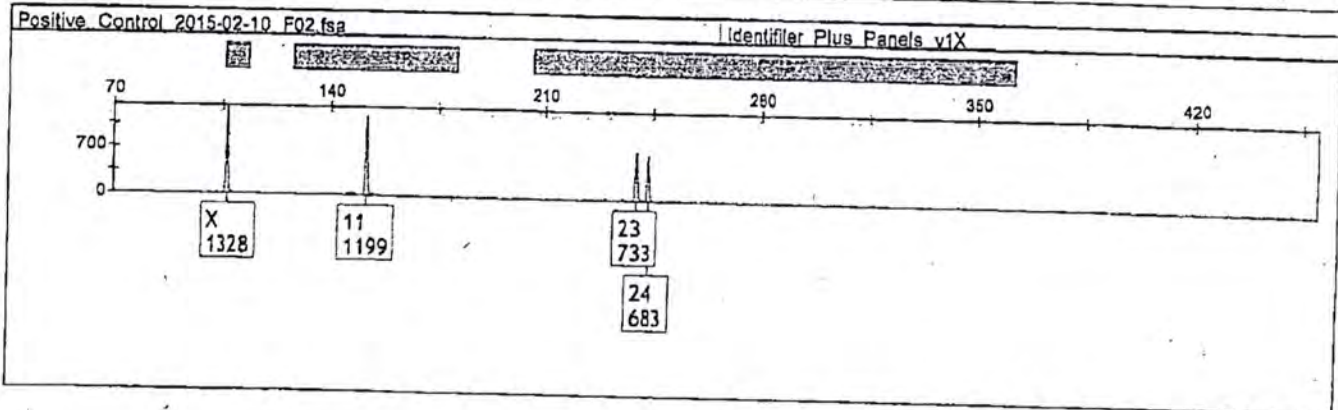
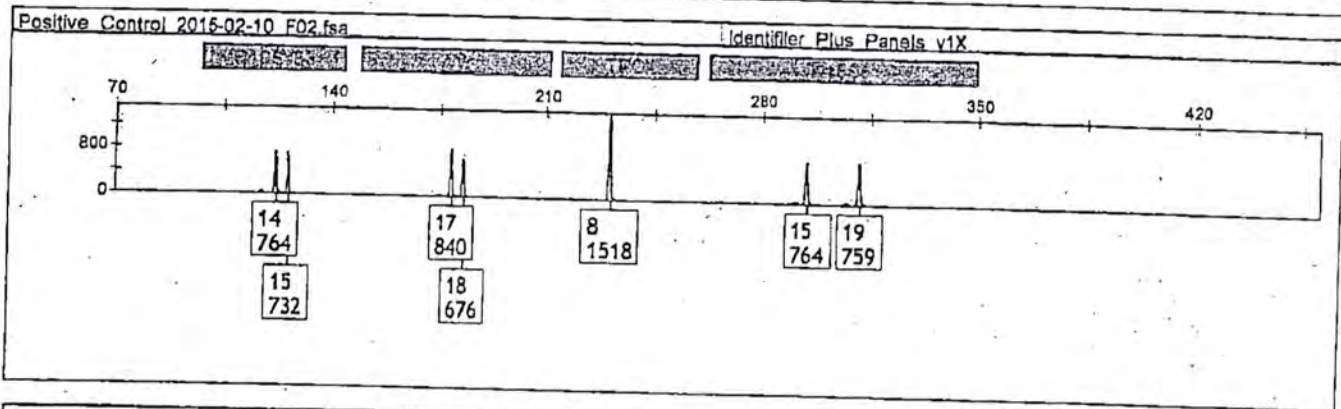
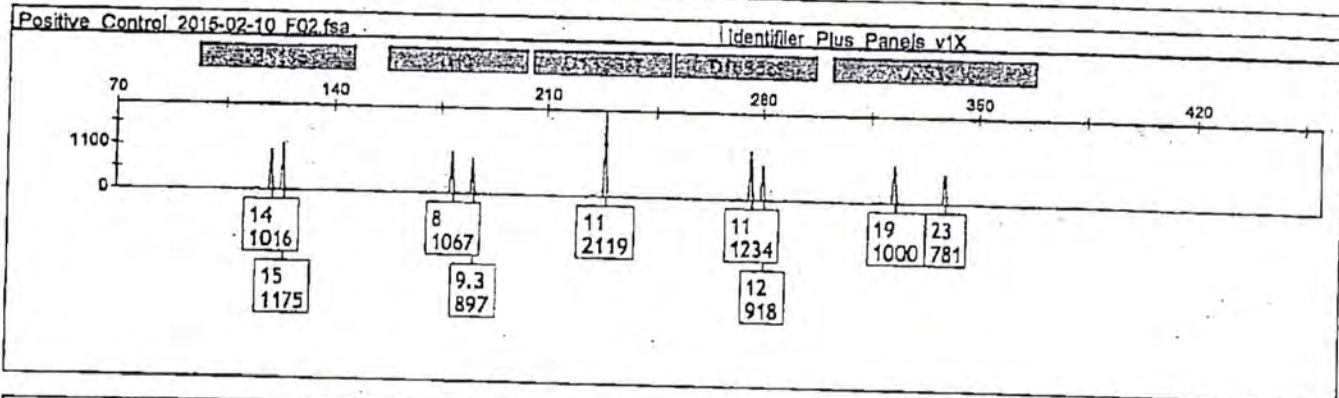
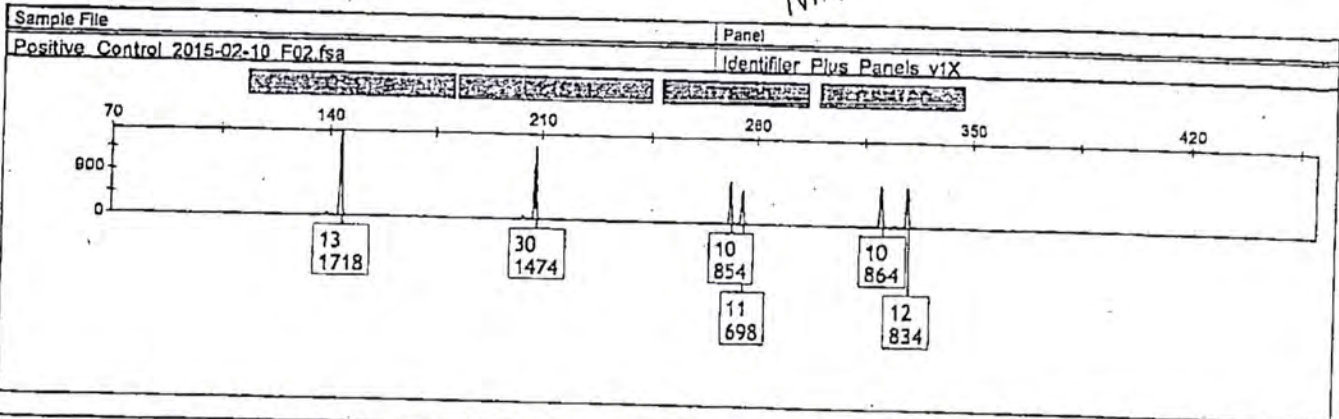
Printed by: analyst NM

Page 3 of 3

**AB Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

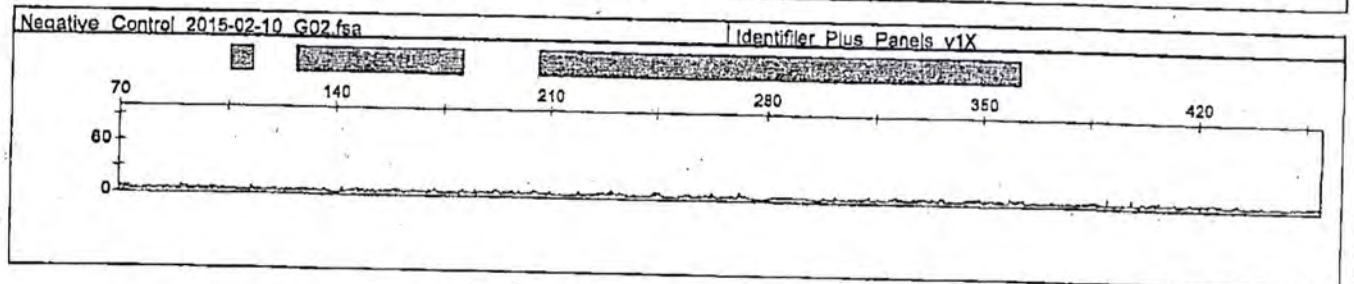
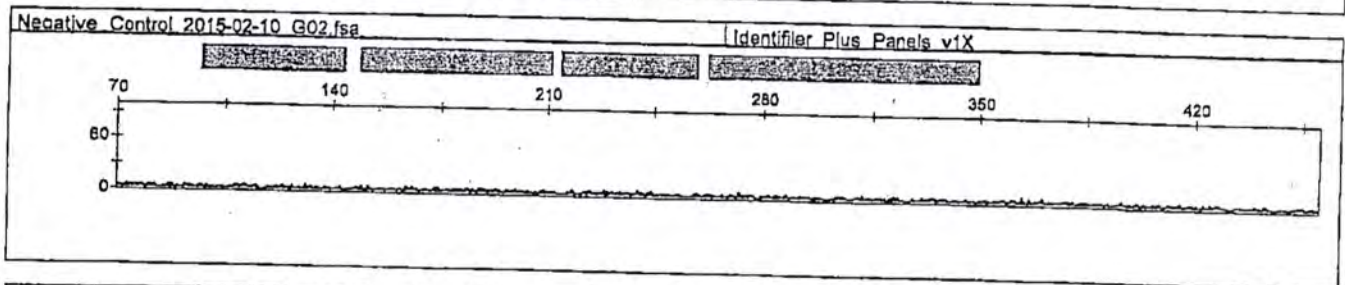
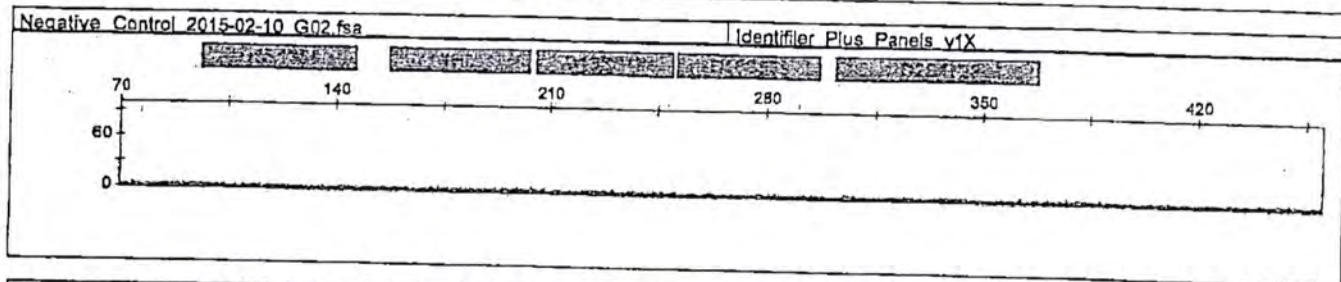
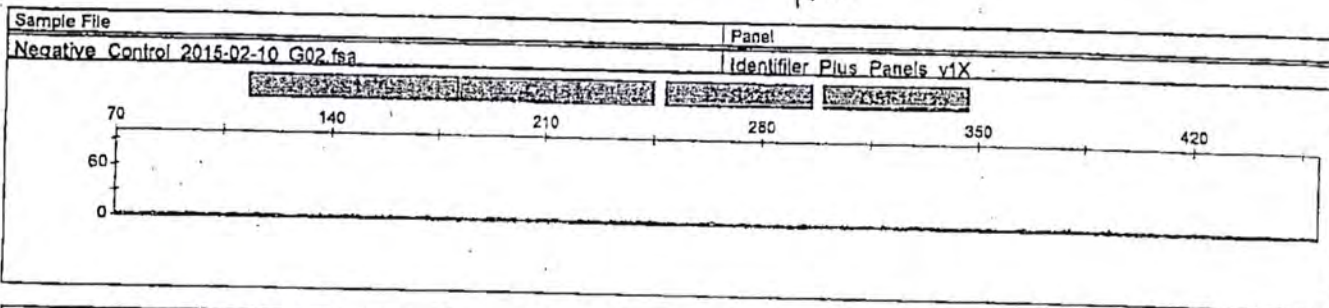
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**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

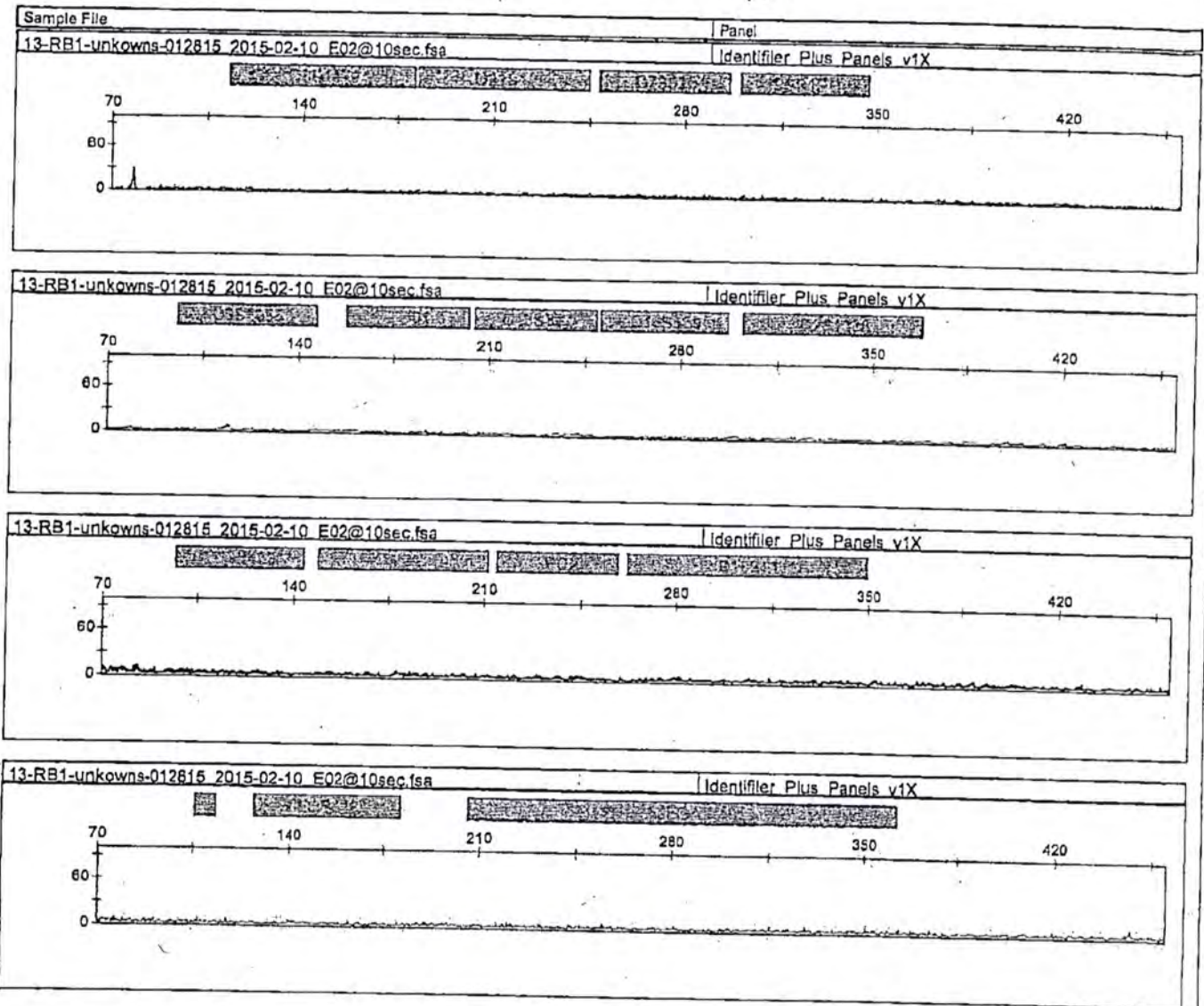
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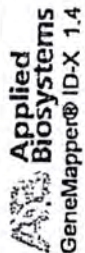


**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

NM





Project: 02-10-15nm-Rush5-a  
NM

Sample File	Sample Type	Analysis Method	Instrument ID	UD2
1 01-A1-GIG-GAR-1401-00735-04-01-AB-diaper_2015-02-10_A01.fsa	Sample	IDPlus v1X	3130-82-21265-025	UD2
2 01-A1-GIG-GAR-1401-00735-04-01-AB-diaper_2015-02-10_A01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
3 02-B1-GIG-GAR-1401-00735-04-01-AA-tabs_2015-02-10_B01.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, see 10s
4 02-B1-GIG-GAR-1401-00735-04-01-AA-tabs_2015-02-10_B01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, see 10s
5 03-C1-KLF-GAR-1402-01517-02-05-AB-dildo_2015-02-10_C01.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, see 10s
6 03-C1-KLF-GAR-1402-01517-02-05-AB-dildo_2015-02-10_C01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, RA
7 04-D1-KLF-GAR-1402-01517-02-05-AC-dildo_2015-02-10_D01.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, see 10s
8 04-D1-KLF-GAR-1402-01517-02-05-AC-dildo_2015-02-10_D01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, see 10s
9 05-E1-FRS-GAR-1411-12607-01-01-tire_2015-02-10_E01.fsa	Sample	IDPlus v1X	3130-82-21265-025	low hit NM 2/16/15 bad injection, see 10s
10 05-E1-FRS-GAR-1411-12607-01-01-tire_2015-02-10_E01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, RA
11 06-F1-FRS-GAR-1411-12607-01-02-door_2015-02-10_F01.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, RA
12 06-F1-FRS-GAR-1411-12607-01-02-door_2015-02-10_F01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, RA
13 07-G1-FRS-GAR-1411-12607-01-03-driverdoor_2015-02-10_G01.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, see 10s
14 07-G1-FRS-GAR-1411-12607-01-03-driverdoor_2015-02-10_G01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, see 10s
15 08-H1-FRS-GAR-1411-13101-01-01-AA-01-pack_2015-02-10_H01.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
16 08-H1-FRS-GAR-1411-13101-01-01-AA-01-pack_2015-02-10_H01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
17 09-A2-FRS-GAR-1411-13101-01-01-AB-01-bag_2015-02-10_A02.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
18 09-A2-FRS-GAR-1411-13101-01-01-AB-01-bag_2015-02-10_A02@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
19 10-B2-SLS-GAR-1501-00209-01-03-AA-tape_2015-02-10_B02.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
20 10-B2-SLS-GAR-1501-00209-01-03-AA-tape_2015-02-10_B02@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
21 11-C2-SLS-GAR-1501-00209-01-04-AA-tape_2015-02-10_C02.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
22 11-C2-SLS-GAR-1501-00209-01-04-AA-tape_2015-02-10_C02@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
23 12-D2-SLS-GAR-1501-00209-01-05-AA-tape_2015-02-10_D02.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
24 12-D2-SLS-GAR-1501-00209-01-05-AA-tape_2015-02-10_D02@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
25 13-RB1-unknowns-012815_2015-02-10_E02.fsa	Sample	IDPlus v1X	3130-82-21265-025	See 10s NM 2/16/15
26 13-RB1-unknowns-012815_2015-02-10_E02@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	See 10s NM 2/16/15
27 Positive Control 2015-02-10_F02.fsa	Positive Control	IDPlus v1X	3130-82-21265-025	See 10s NM 2/16/15
28 Negative Control 2015-02-10_G02.fsa	Negative Control	IDPlus v1X	3130-82-21265-025	See 10s NM 2/16/15
29 Ladder 2015-02-10_H02.fsa	Allelic Ladder	IDPlus v1X	3130-82-21265-025	See 10s NM 2/16/15
30 14-RB2-unknowns-012815_2015-02-10_A05.fsa	Sample	IDPlus v1X	3130-82-21265-025	See 10s NM 2/16/15
31 14-RB2-unknowns-012815_2015-02-10_A05@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	See 10s NM 2/16/15
32 15-E2-GIG-GAR-1412-14089-13-01-cig_2015-02-10_B05.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
33 15-E2-GIG-GAR-1412-14089-13-01-cig_2015-02-10_B05@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
34 16-F2-CLW-GAR-1501-00278-01-02-VS_2015-02-10_C05.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
35 16-F2-CLW-GAR-1501-00278-01-02-VS_2015-02-10_C05@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
36 17-G2-CLW-GAR-1501-00278-01-03-AS_2015-02-10_D05.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
37 17-G2-CLW-GAR-1501-00278-01-03-AS_2015-02-10_D05@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
38 18-H2-KPC-GAR-1407-07579-02-03-AB-minora_2015-02-10_E05.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
39 18-H2-KPC-GAR-1407-07579-02-03-AB-minora_2015-02-10_E05@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
40 19-A3-KPC-GAR-1407-07579-02-07-AA-panties_2015-02-10_F05.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
41 19-A3-KPC-GAR-1407-07579-02-07-AA-panties_2015-02-10_F05@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	bad injection, see 10s
42 20-B3-NM-GAR-1501-00686-01-02-cig_2015-02-10_G05.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, see 10s
43 20-B3-NM-GAR-1501-00686-01-02-cig_2015-02-10_G05@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, RA
44 21-C3-NM-GAR-1501-00686-01-04-seat_2015-02-10_H05.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, RA
45 21-C3-NM-GAR-1501-00686-01-04-seat_2015-02-10_H05@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, RA

Wed Feb 11, 2015 09:15AM, CST

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Page 1 of 3



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**Amplification Worksheet**

LAB-DNA-08 Rev.05 (10/2012) p.1 Issued by: QAC

Lab Case # \_\_\_\_\_

Analyst NM *NM*

Date 2/15/15

☒ Identifier Plus

☐ MiniFiler

☐ Yfiler

Kit Lot # 1409087

Kit Expiration Date 3/29/16

Thermal Cycler # 134

Automated Setup ☐

	1	2	3	4	5	6	7	8	9	10	11	12
A	44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM 5 of 1:25											
B	44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM 10 of 1:25											
C	Positive_control											
D	Negative_control											
E												
F												
G												
H												

KEY:

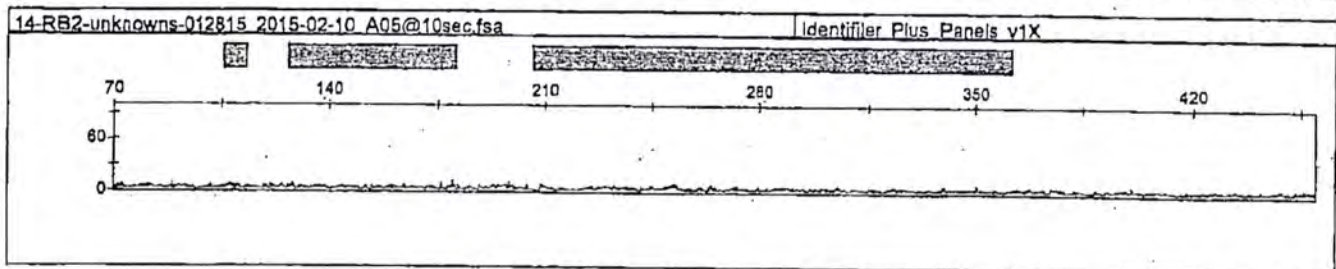
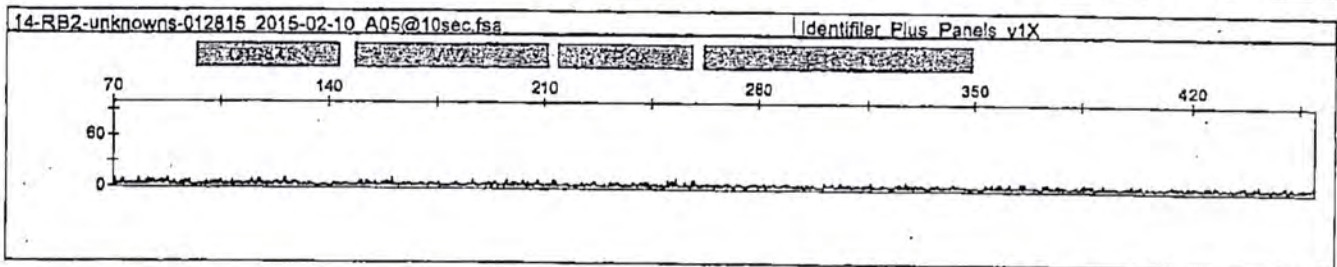
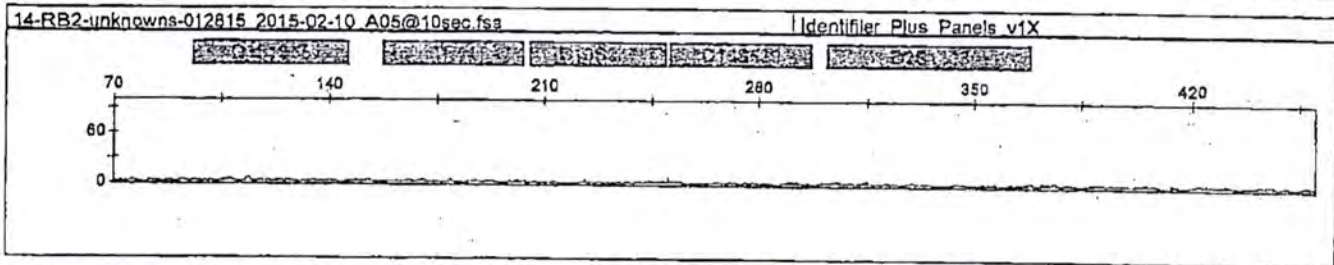
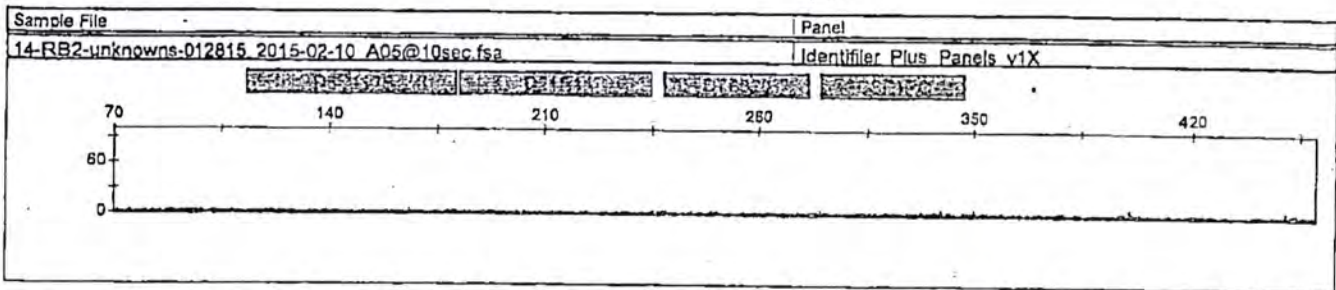
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Notes:

**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

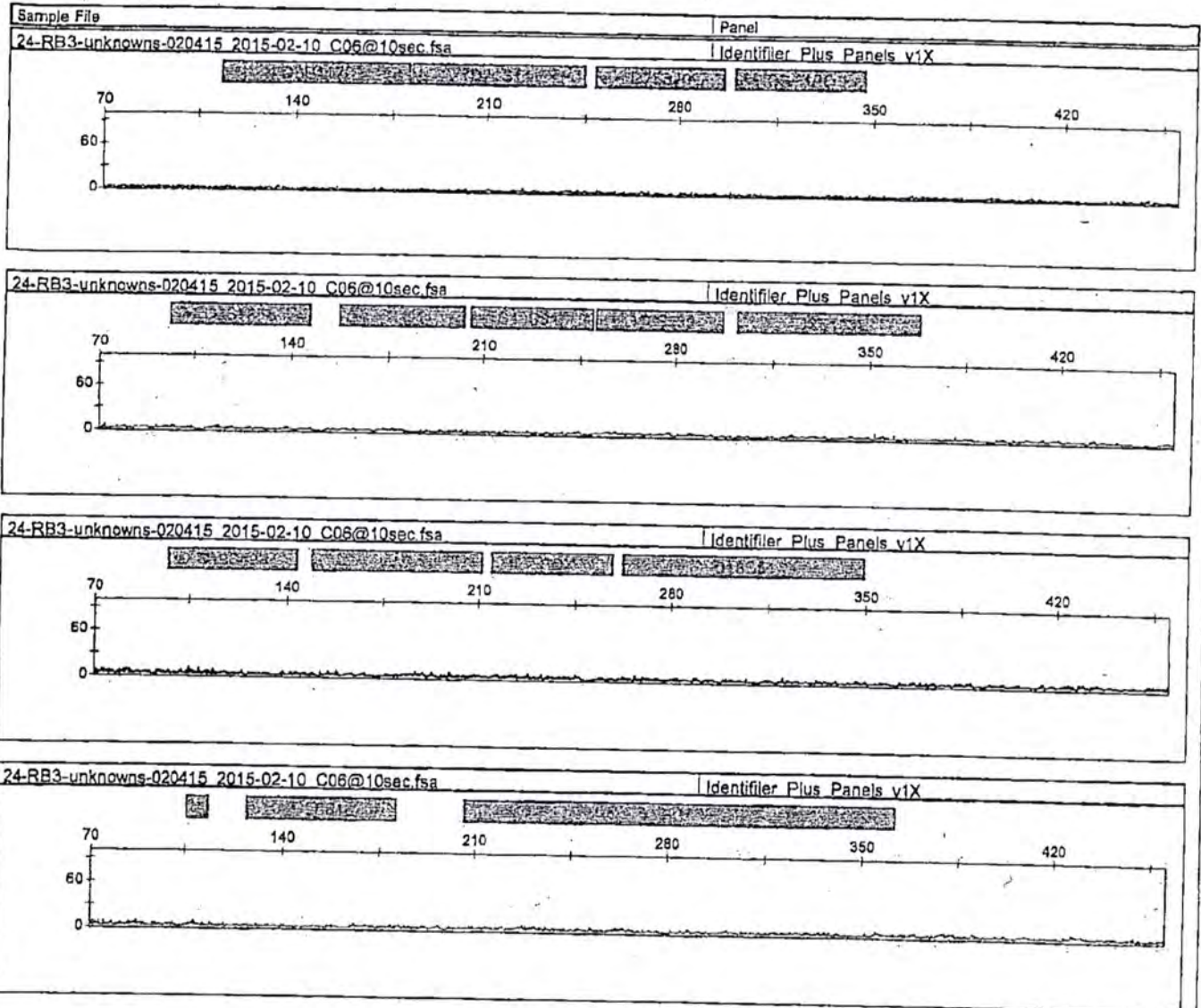
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**AB Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

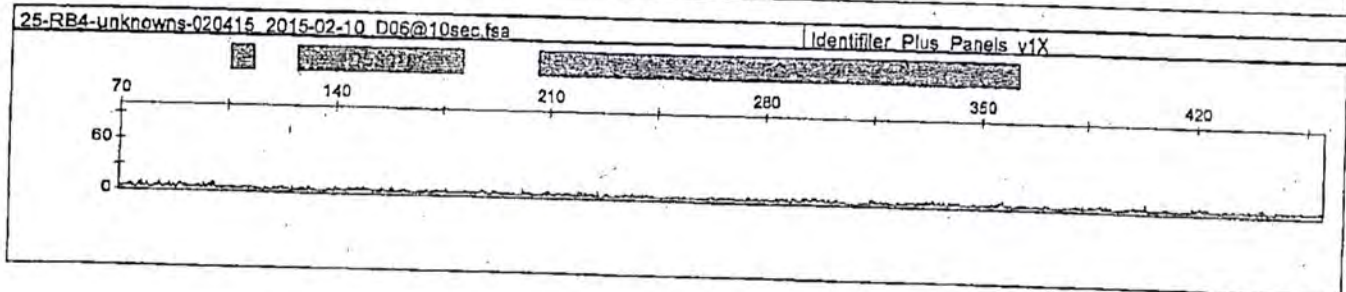
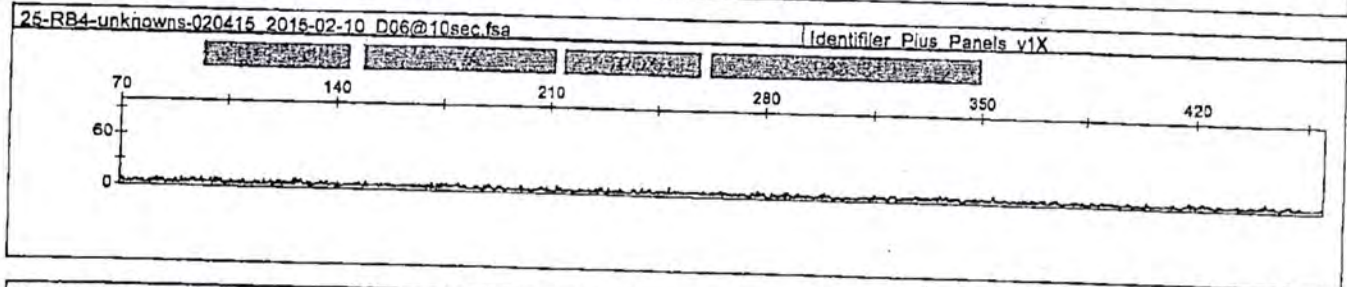
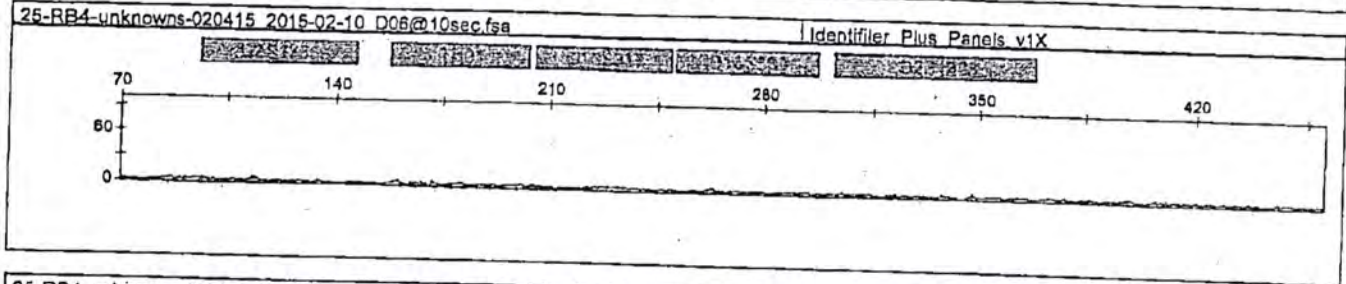
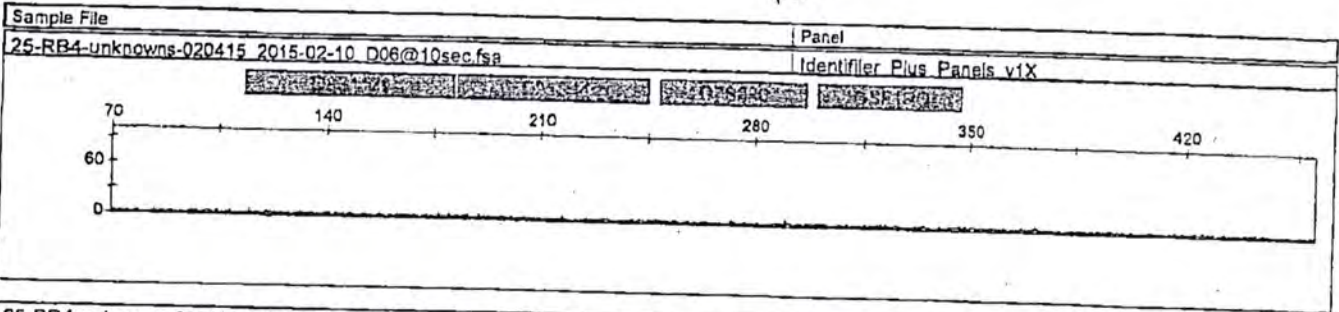
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**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

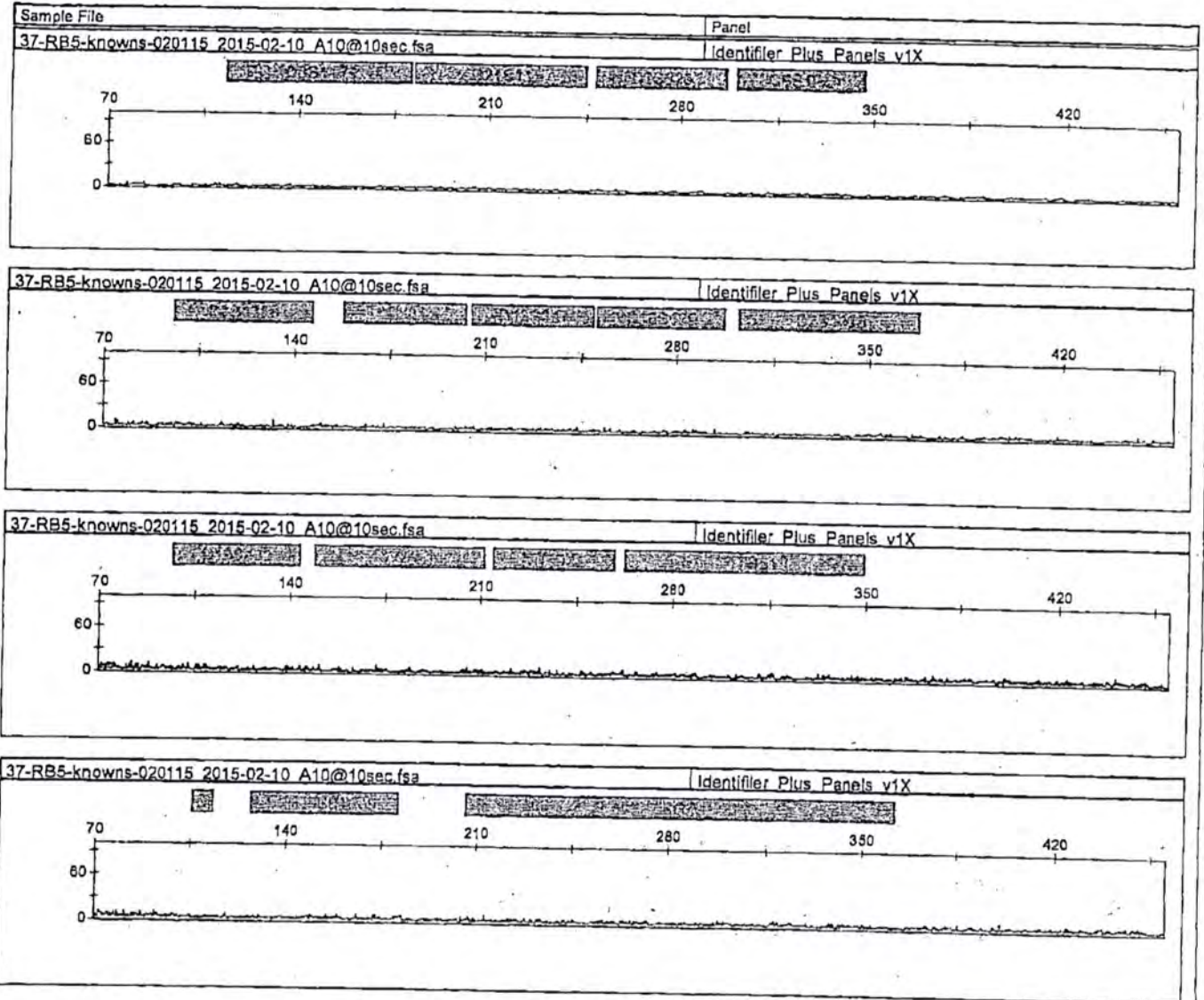
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**AB Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-a

nm



**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-b  
NM

Sample File

Sample File	Sample Type	Analysis Method	Instrument ID	UD2
1 44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM 2015-02-11 A01.fsa	Sample	IDPlus v1X	3130-82-21265-025	no profile, see 10s
2 44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM 2015-02-11 A01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	P<T, RA
3 45-C10-NM-GAR-1501-00686-13-21-elim-DS 2015-02-11 B01.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
4 45-C10-NM-GAR-1501-00686-13-21-elim-DS 2015-02-11 B01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
5 46-D10-NM-GAR-1501-00686-13-22-elim-RM 2015-02-11 C01.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
6 46-D10-NM-GAR-1501-00686-13-22-elim-RM 2015-02-11 C01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
7 47-E10-NM-GAR-1501-00686-13-23-elim-JW 2015-02-11 D01.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
8 47-E10-NM-GAR-1501-00686-13-23-elim-JW 2015-02-11 D01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
9 48-F10-NM-GAR-1501-00686-20-02-AA-elim-GC 2015-02-11 E01.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
10 48-F10-NM-GAR-1501-00686-20-02-AA-elim-GC 2015-02-11 E01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
11 49-G10-NM-GAR-1304-05088-04-01-sus-EW 2015-02-11 F01.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
12 49-G10-NM-GAR-1304-05088-04-01-sus-EW 2015-02-11 F01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
13 50-H10-KPC-GAR-1407-07579-02-01-vic-JP 2015-02-11 G01.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
14 50-H10-KPC-GAR-1407-07579-02-01-vic-JP 2015-02-11 G01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
15 51-RB6-knowns-020215 2015-02-11 H01.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
16 51-RB6-knowns-020215 2015-02-11 H01@10sec.fsa	Sample	IDPlus v1X	3130-82-21265-025	not needed
17 Positive control 2015-02-11 F02.fsa	Positive Control	IDPlus v1X	3130-82-21265-025	see 10s
18 Negative control 2015-02-11 F02.fsa	Negative Control	IDPlus v1X	3130-82-21265-025	
19 Negative control 2015-02-11 G02.fsa	Negative Control	IDPlus v1X	3130-82-21265-025	
20 Negative control 2015-02-11 G02.fsa	Negative Control	IDPlus v1X	3130-82-21265-025	
21 Ladder 2015-02-11 H02 (2).fsa	Allelic Ladder	IDPlus v1X	3130-82-21265-025	
22 Ladder 2015-02-11 H02.fsa	Allelic Ladder	IDPlus v1X	3130-82-21265-025	

Retyped, analyzed, reviewed

TX 2-18-15

Wed Feb 11, 2015 09:26AM, CST

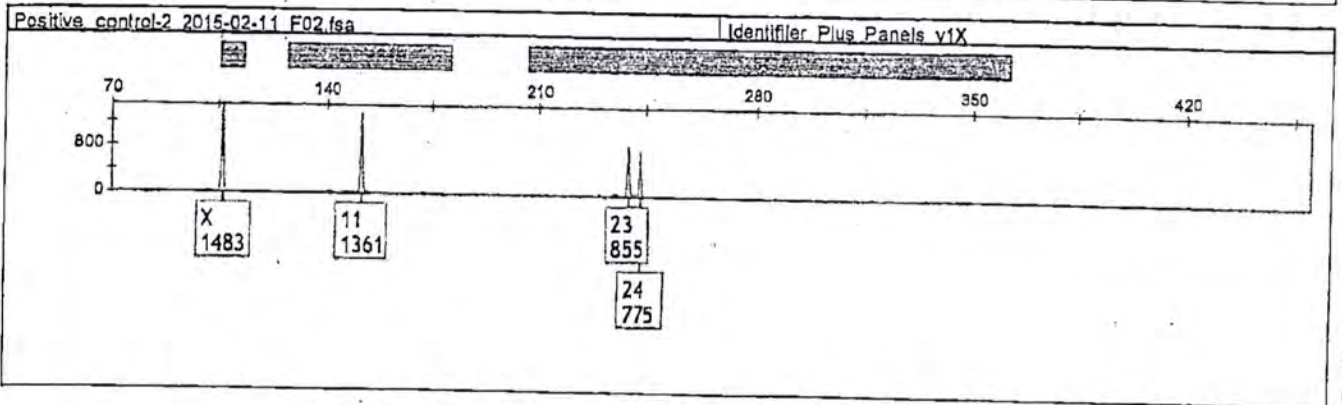
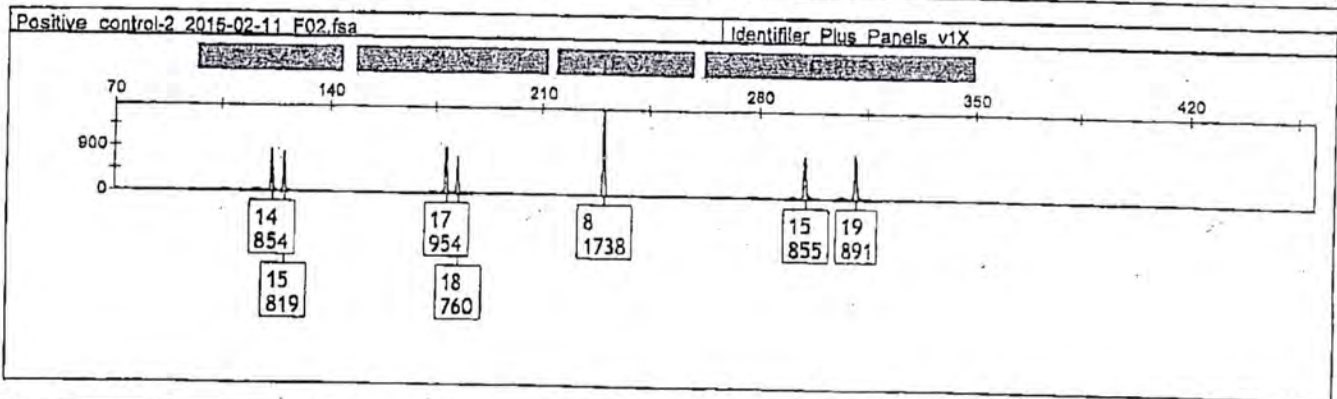
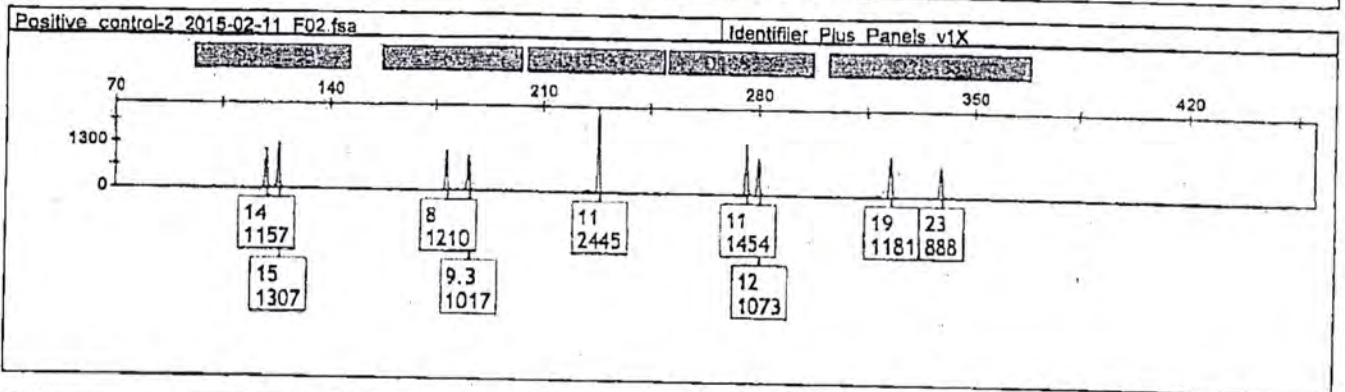
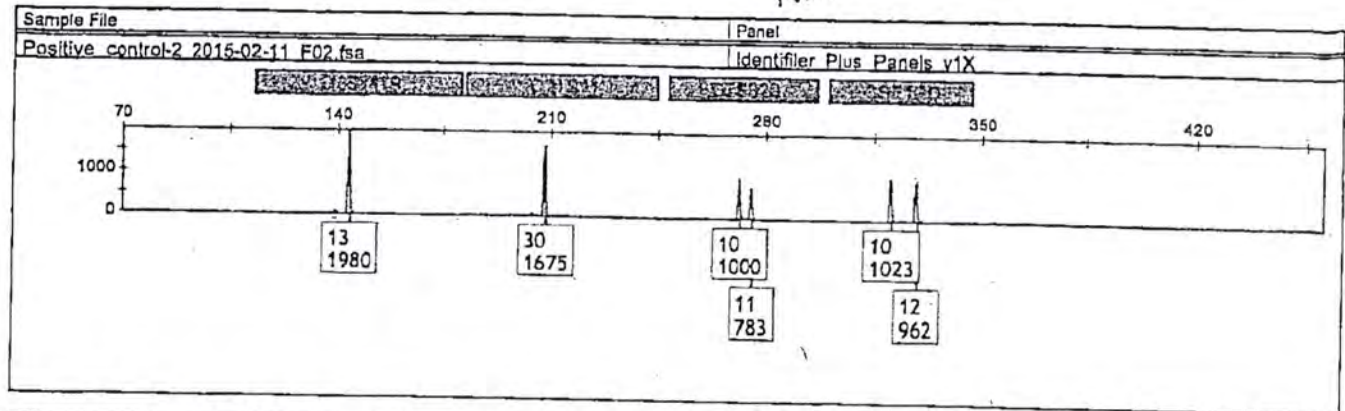
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Page 1 of 1

**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-b

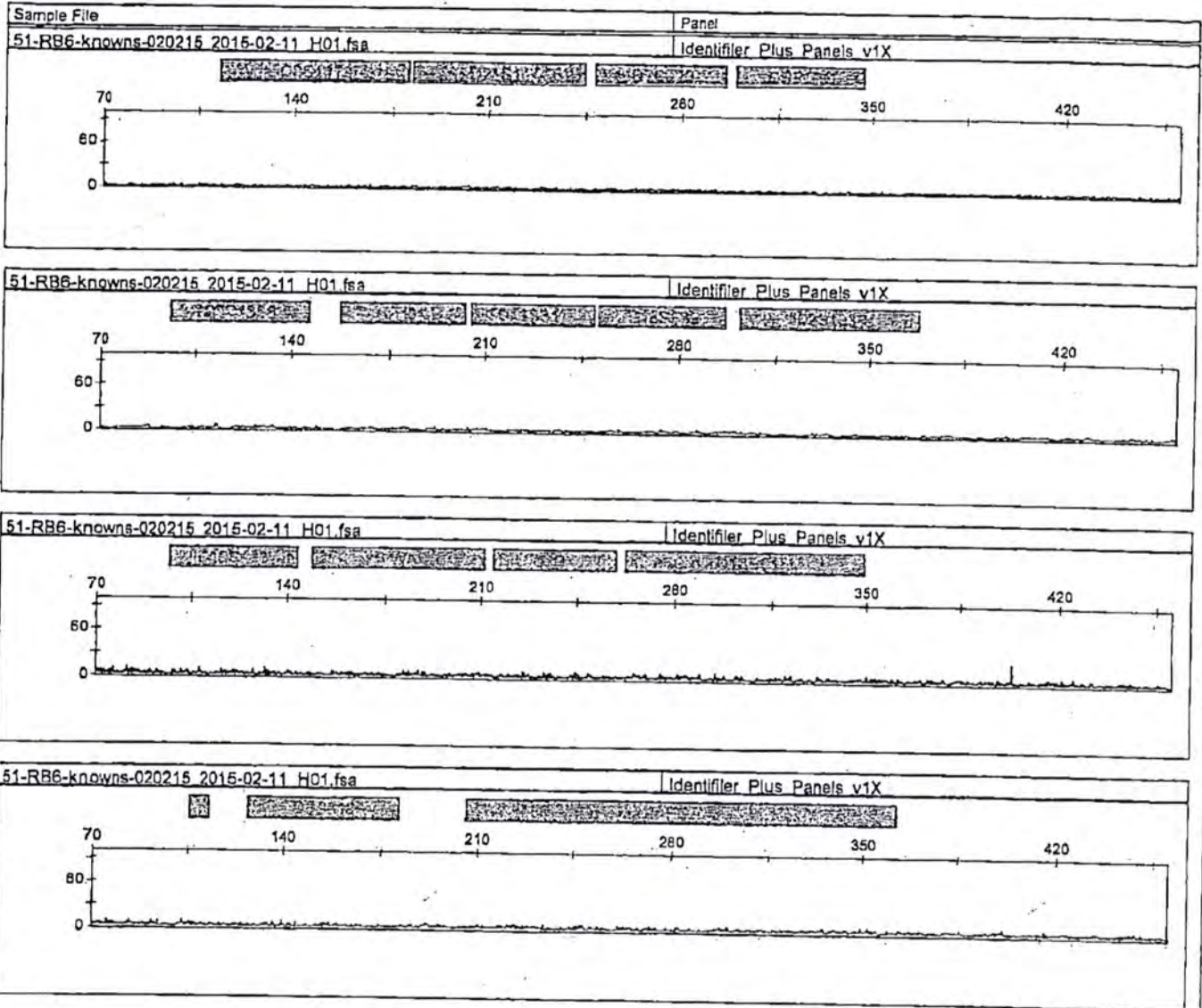
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**AB Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-b

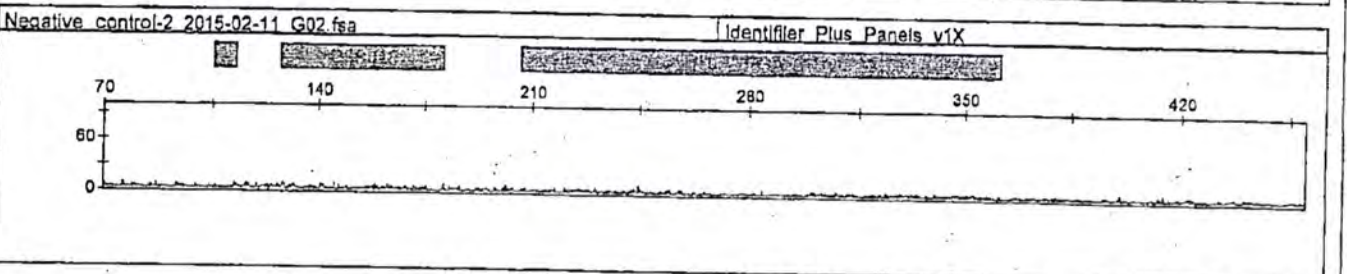
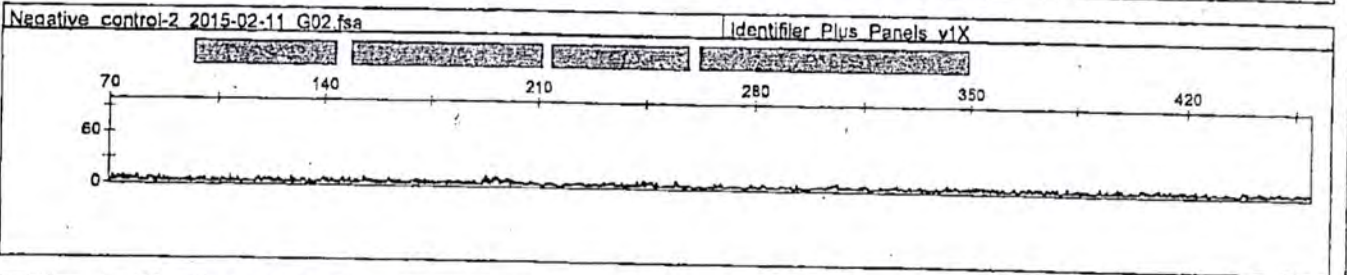
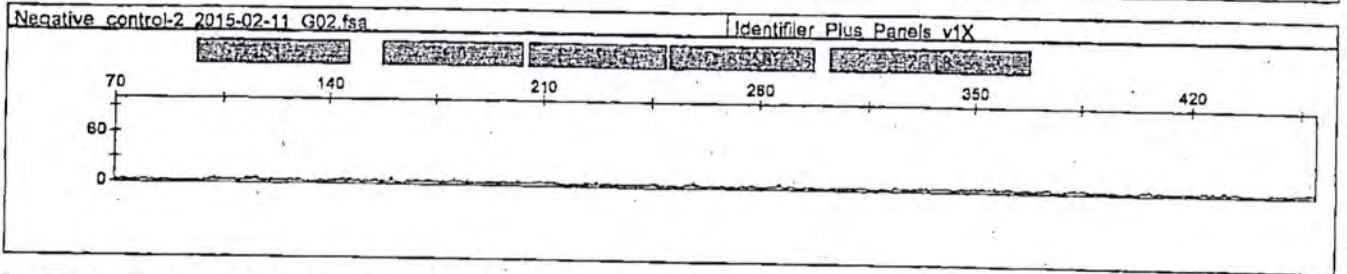
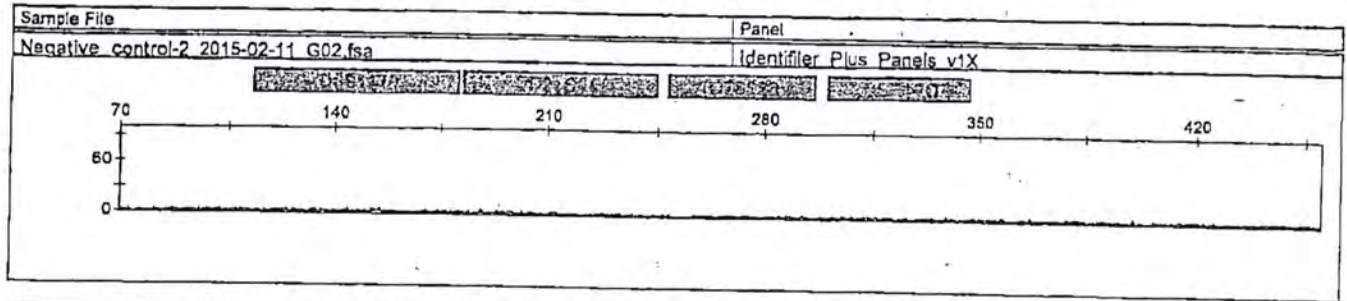
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**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-10-15nm-Rush5-b

NM



**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-11-15nm Rush5  
NM

Sample File	Sample Type	Analysis Method	Instrument ID	UD2
1 Positive Control 2015-02-11_F02.fsa	Positive Control	IDPlus v1X	3130-82-21265-025	
2 Negative Control 2015-02-11_G02.fsa	Negative Control	IDPlus v1X	3130-82-21265-025	
3 Ladder 2015-02-11_H02.fsa	Allelic Ladder	IDPlus v1X	3130-82-21265-025	
4 36-C9-SLS-GAR-1501-00209-03-01-sus-LD 2015-02-11_H09.fsa	Sample	IDPlus v1X	3130-82-21265-025	OMR confirmed
5 38-D9-CLW-GAR-1501-00278-01-01-vic-DC 2015-02-11_B10.fsa	Sample	IDPlus v1X	3130-82-21265-025	
6 Ladder 2015-02-11_H10.fsa	Allelic Ladder	IDPlus v1X	3130-82-21265-025	

*Retyped, Reanalyzed, Reviewed*

*DK 2.18.15*

*Note:*

*These samples under raw data in folder 02-11-15nm\_1*

*NM 2/18/15*

Thu Feb 12, 2015 08:15AM, CST

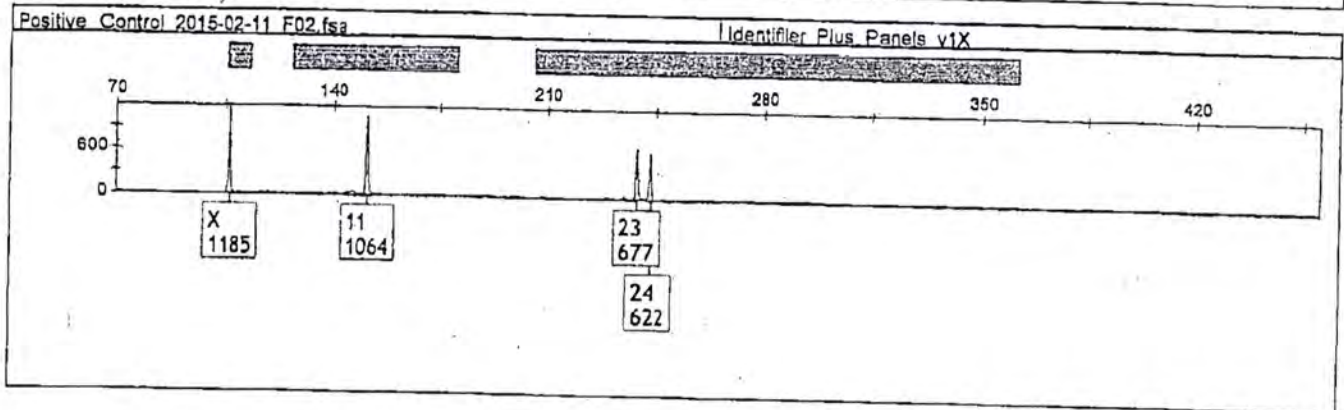
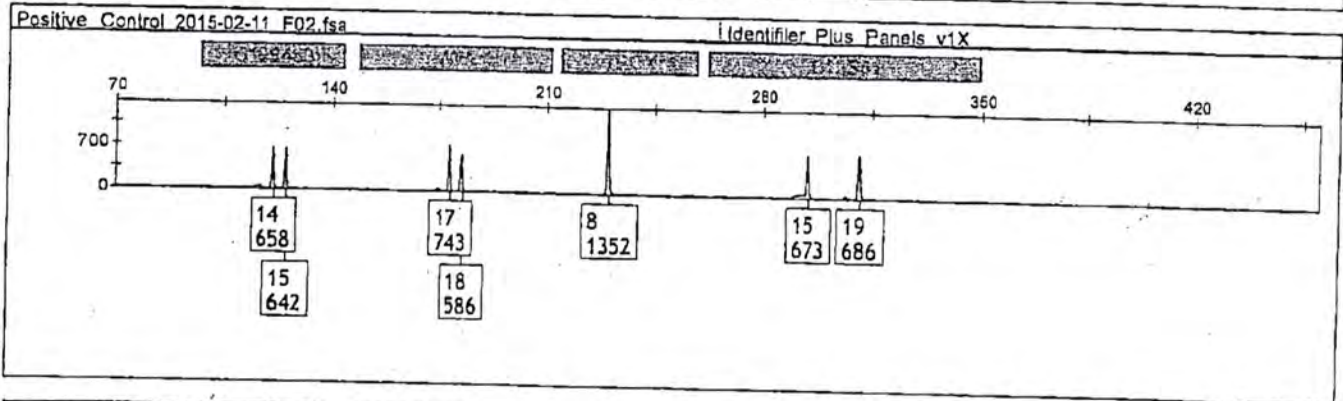
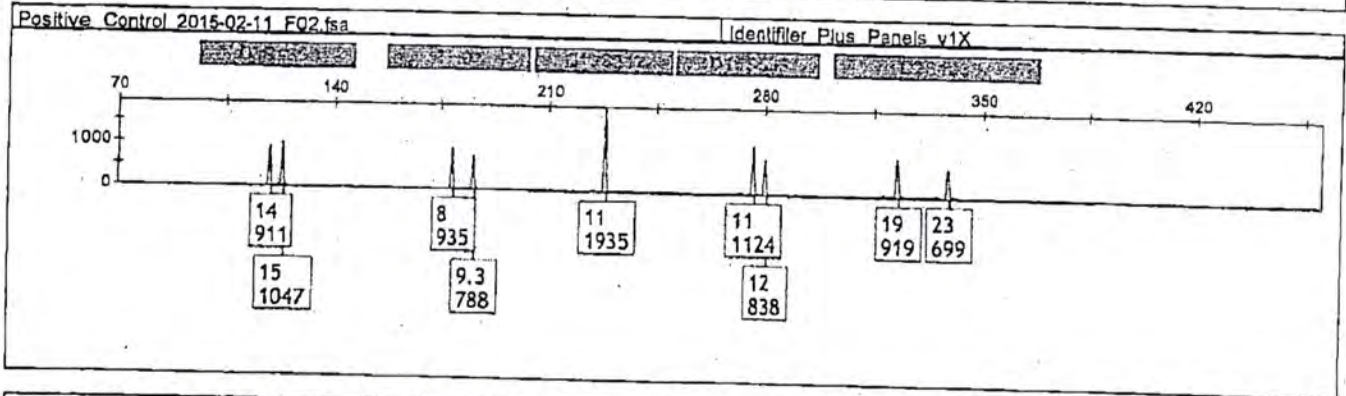
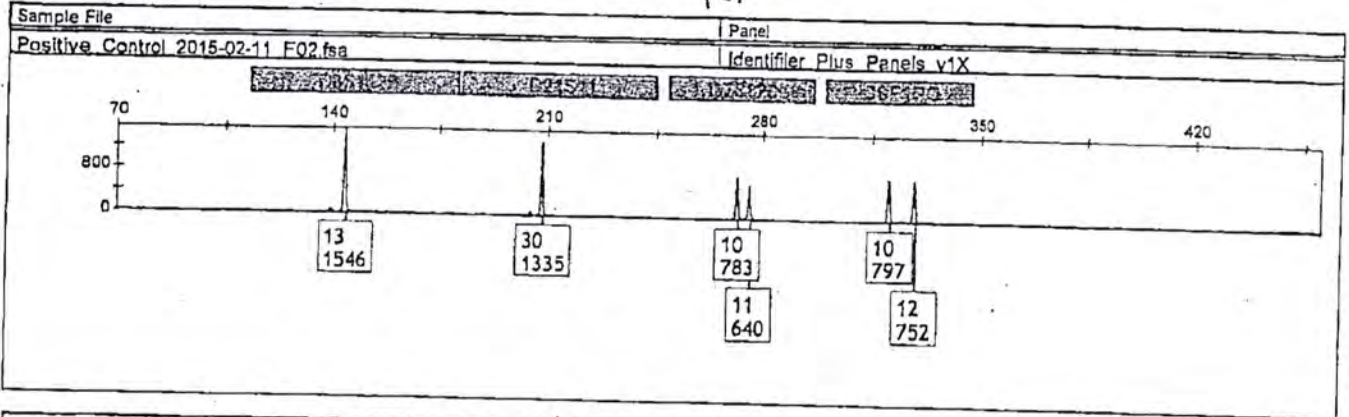
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Page 1 of 1

**AB Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-11-15nm Rush5

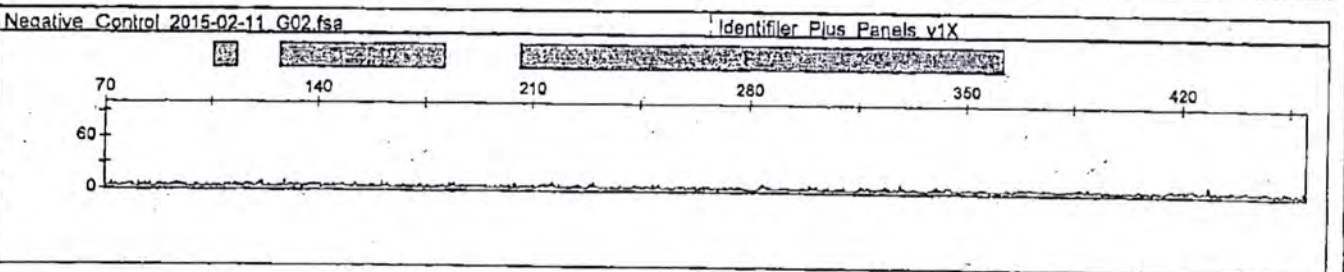
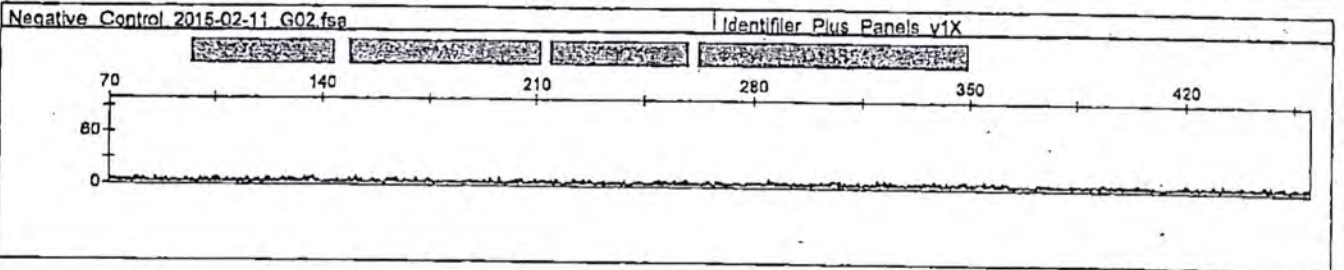
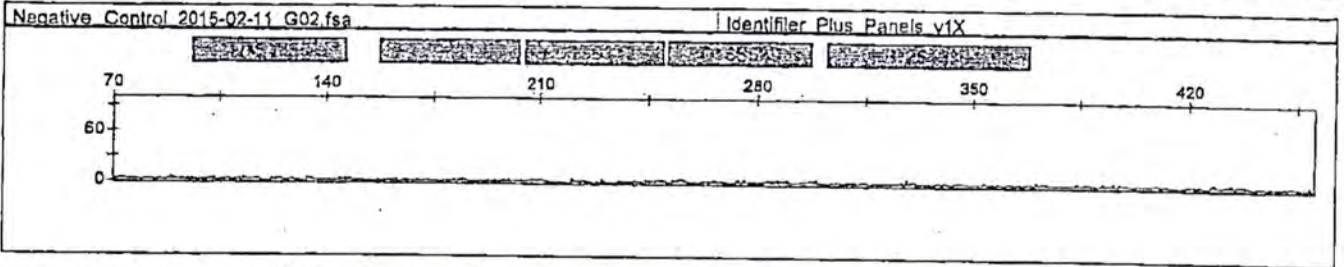
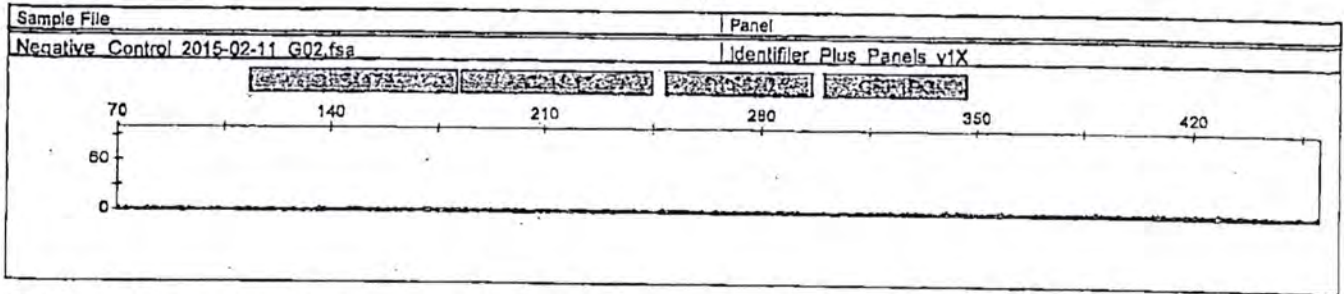
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**AB Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-11-15nm Rush5

NM



**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-11-15nm Rush5

NM

Sample File	Sample Type	Analysis Method	Instrument ID	UD2
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03-C1-KLF-GAR-1402-01517-02-05-AB-dilto_2015-02-11_A01@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	bad injection, RI @5s
05-E1-FRS-GAR-1411-12607-01-01-lire_2015-02-11_B01.fsa	Sample	IDPlus_v1X	3130-82-21265-025	OS
05-E1-FRS-GAR-1411-12607-01-01-lire_2015-02-11_B01@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	P<T, see 10s
06-F1-FRS-GAR-1411-12607-01-02-door_2015-02-11_C01.fsa	Sample	IDPlus_v1X	3130-82-21265-025	P<T, RI @8s
06-F1-FRS-GAR-1411-12607-01-02-door_2015-02-11_C01@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	OS
21-C3-NM-GAR-1501-00686-01-04-seat_2015-02-11_D01.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed, PU
21-C3-NM-GAR-1501-00686-01-04-seat_2015-02-11_D01@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	OS, RI @2s
35-B9-SLS-GAR-1501-00209-01-02-AA-vic-BH_2015-02-11_E01.fsa	Sample	IDPlus_v1X	3130-82-21265-025	OS
35-B9-SLS-GAR-1501-00209-01-02-AA-vic-BH_2015-02-11_E01@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed, PU
44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM_2015-02-11_F01.fsa	Sample	IDPlus_v1X	3130-82-21265-025	OS, RI @2s
44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM_2015-02-11_F01@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	OS
Positive Control_2015-02-11_G01.fsa	Positive Control	IDPlus_v1X	3130-82-21265-025	
Negative Control_2015-02-11_H01.fsa	Negative Control	IDPlus_v1X	3130-82-21265-025	
ladder_2015-02-11_H02.fsa	Allelic Ladder	IDPlus_v1X	3130-82-21265-025	

RETYPE, REANALYZED, REVIEWED

TX 2.18.15

Note:

These samples under raw data in folder 02-11-15nm-2

NM 2/18/15

Thu Feb 12, 2015 09:00AM, CST

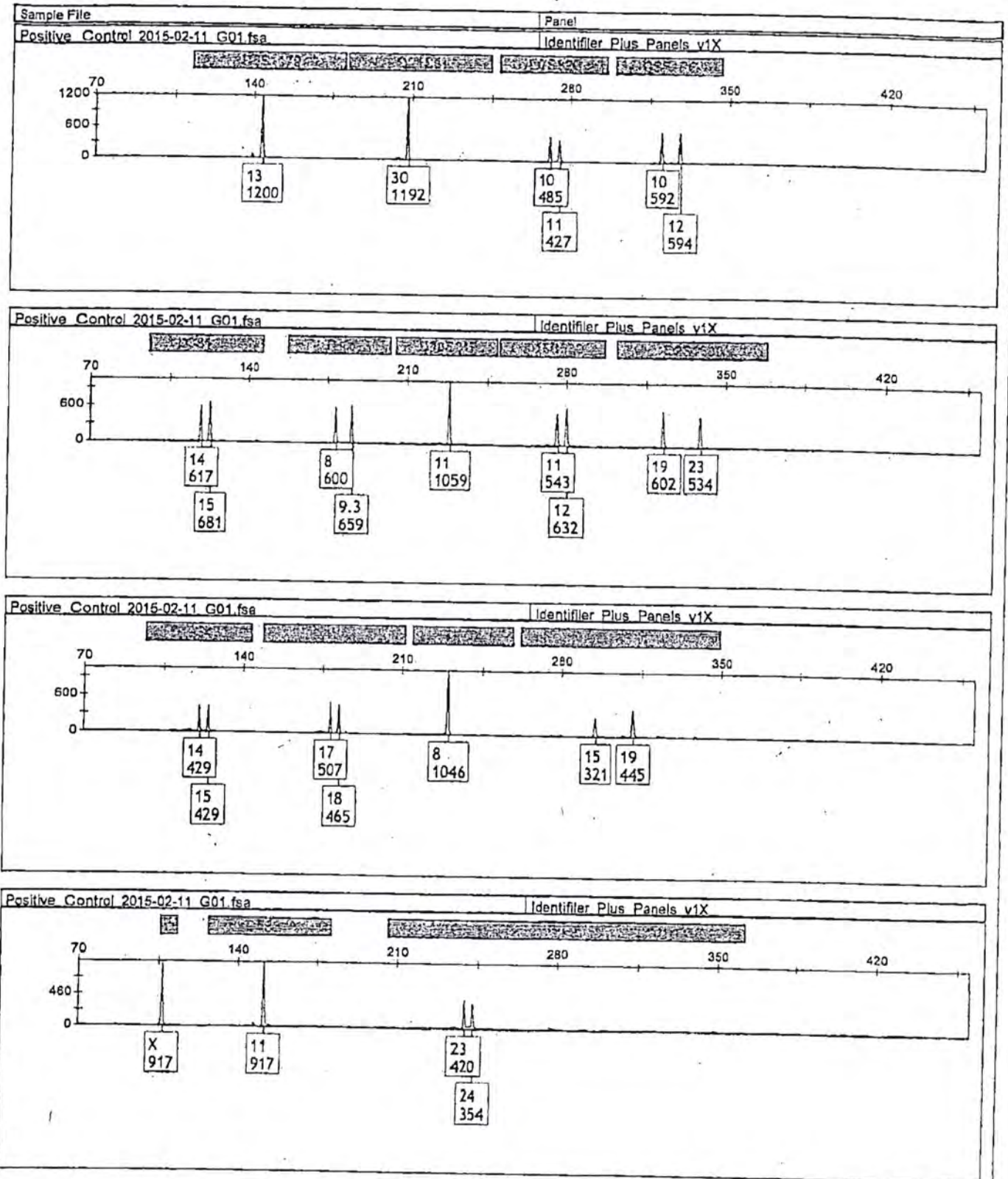
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Page 1 of 1

**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-11-15nm Rush5

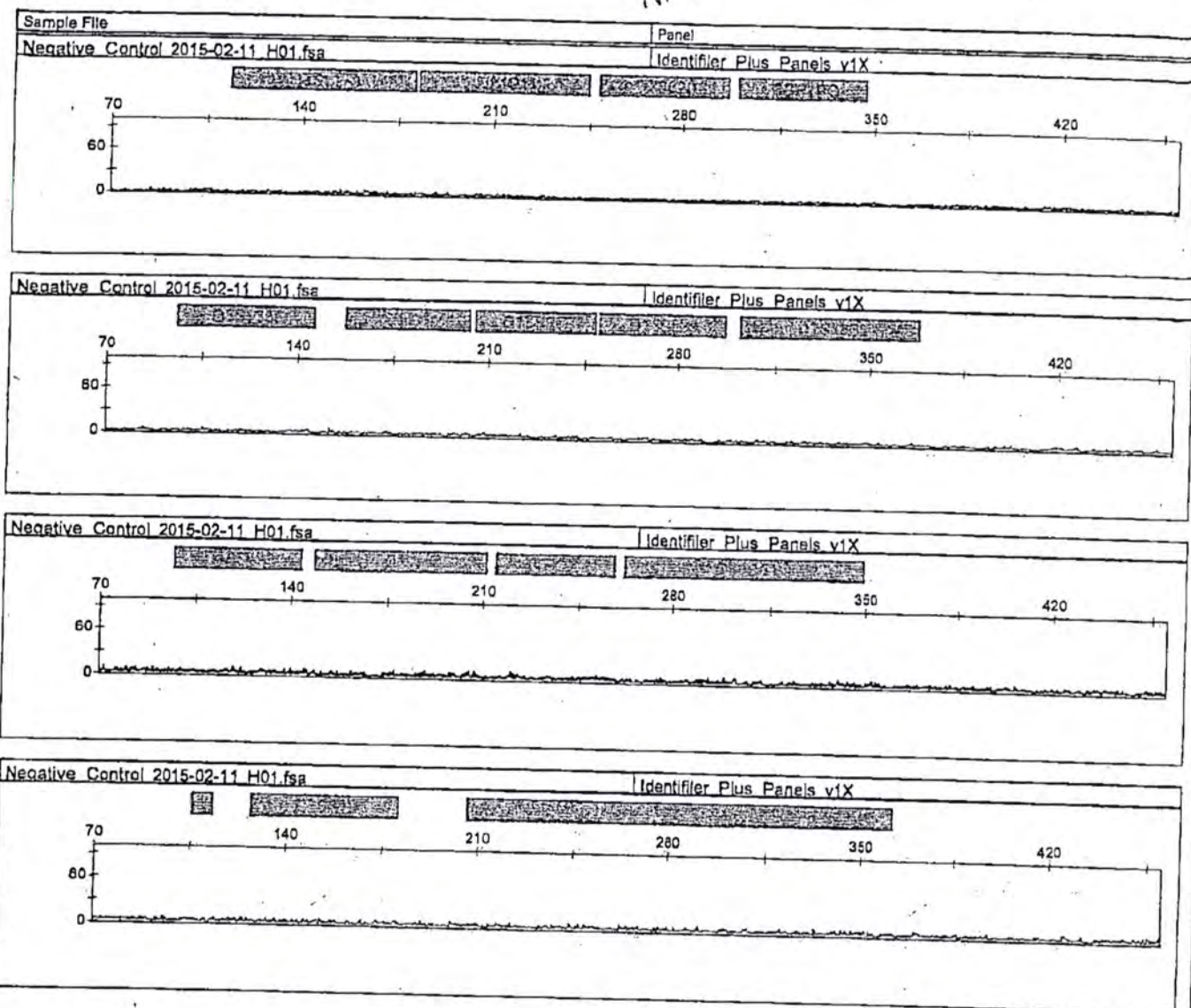
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**AB Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-11-15nm Rush5

NM



Thu Feb 12, 2015 09:00AM, CST

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Page 1 of 1

**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-12-15nm Rush5  
NM

Sample File	Sample Type	Analysis Method	Instrument ID	UD2 NM 2/18/15
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21-C3-NM-GAR-1501-00586-01-04-seal 2015-02-12 D01.fsa	Sample	IDPlus v1X	3130-82-21265-025	OS, RA less, 8 sec. in
44-B10-NM-GAR-1501-00686-13-20-AB-elim-IM 2015-02-12 F01.fsa	Sample	IDPlus v1X	3130-82-21265-025	artifacts, reset up and RI, 2 sec. in
Positive Control 2015-02-12 G01.fsa	Positive Control	IDPlus v1X	3130-82-21265-025	
Negative Control 2015-02-12 H01.fsa	Negative Control	IDPlus v1X	3130-82-21265-025	
Ladder 2015-02-12 H02.fsa	Allelic Ladder	IDPlus v1X	3130-82-21265-025	

*retyped, reanalyzed, reviewed*

*tv 2-18-15*

Thu Feb 12, 2015 01:06PM, CST

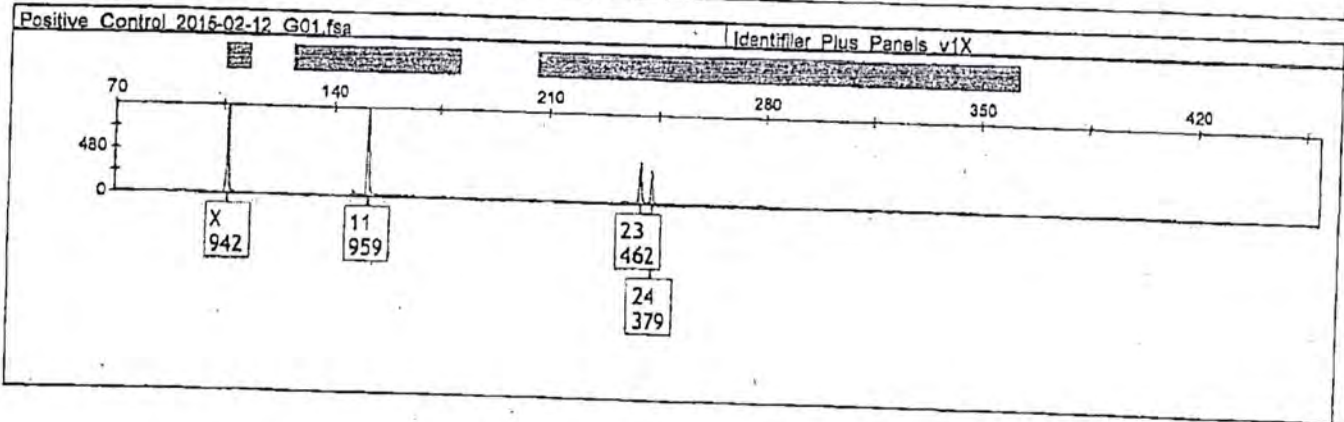
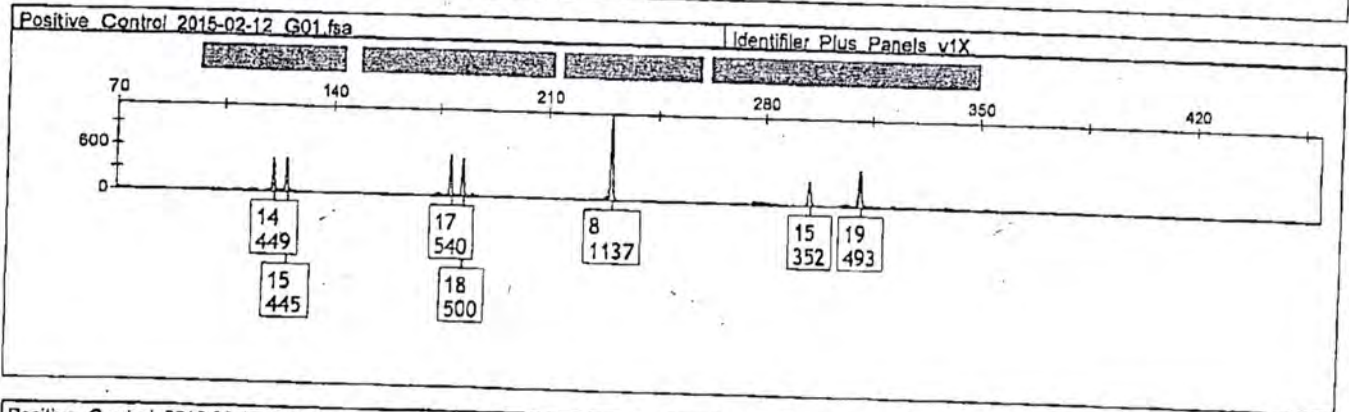
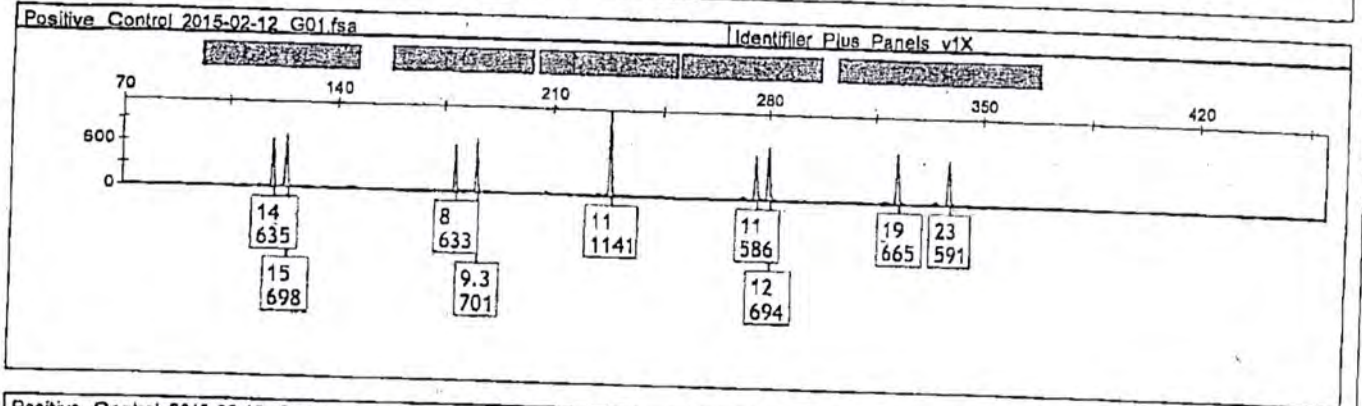
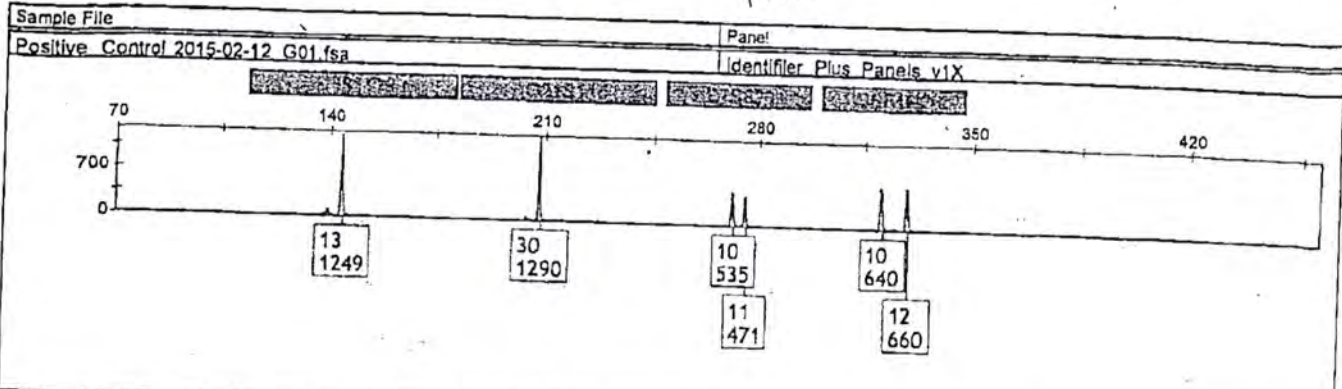
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**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-12-15nm Rush5

*nm*



Thu Feb 12, 2015 12:54PM, CST

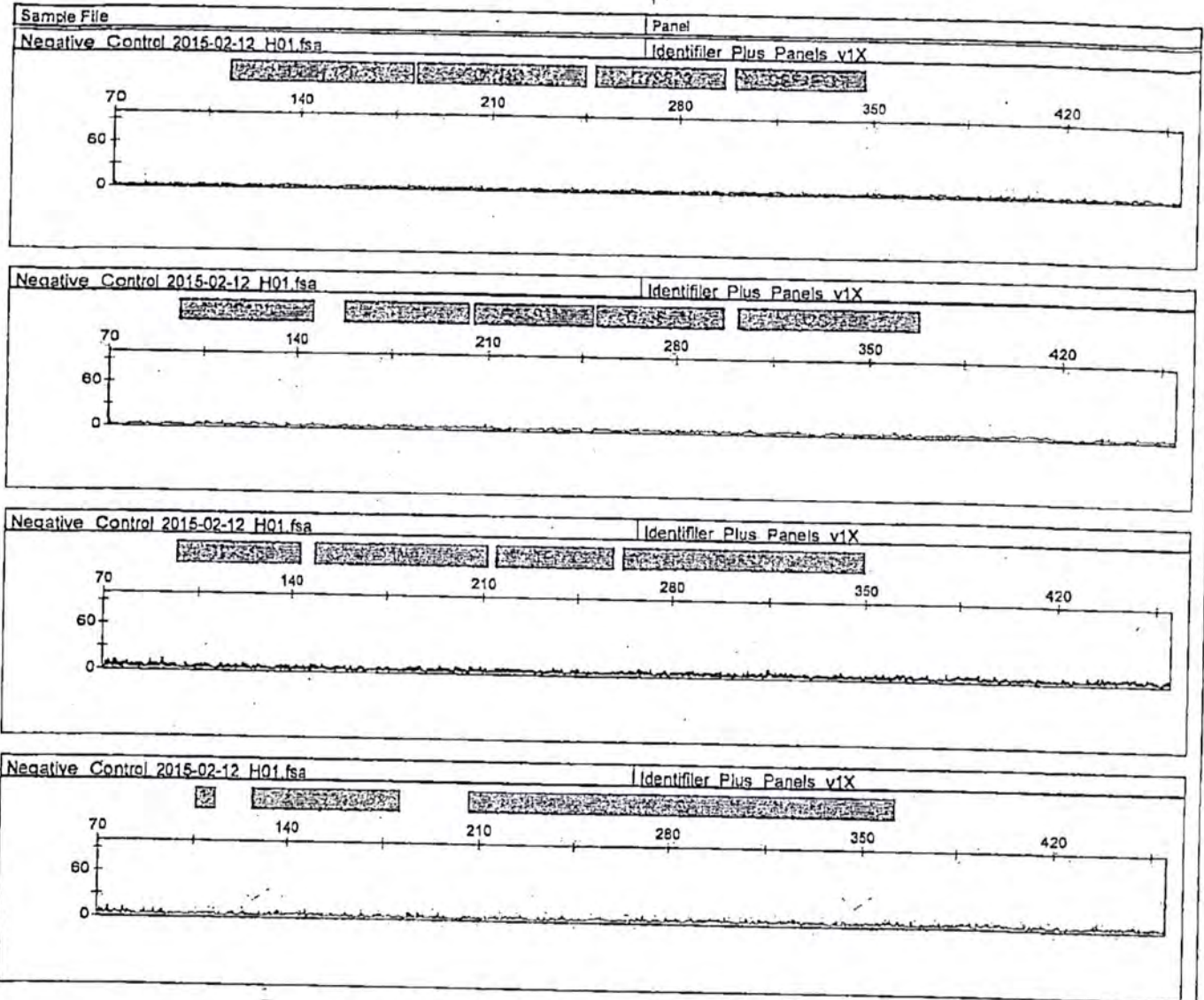
Printed by: analyst

Page 1 of 1

**AB Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-12-15nm Rush5

NM



**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-13-15nm Rush5 RA

NM

Sample File	Sample Type	Analysis Method	Instrument ID	UD2
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2 21-C3-NM-GAR-1501-00606-01-04-seal_2015-02-13_B05.fsa	Sample	IDPlus_v1X	3130-82-21265-025	OMR/artifact
3 positive-control_2015-02-13_C05.fsa	Positive Control	IDPlus_v1X	3130-82-21265-025	
4 negative-control_2015-02-13_D05.fsa	Negative Control	IDPlus_v1X	3130-82-21265-025	
5 44-B10-NM-GAR-1501-00606-13-20-AB-elim-IM_2015-02-13_H05.fsa	Sample	IDPlus_v1X	3130-82-21265-025	2 sec int. pullup, RA less
6 ladder_2015-02-13_H06.fsa	Allelic Ladder	IDPlus_v1X	3130-82-21265-025	

*Retyped, Reanalyzed, Reviewed*

*DL 2-18-15*

Fri Feb 13, 2015 12:57PM, CST

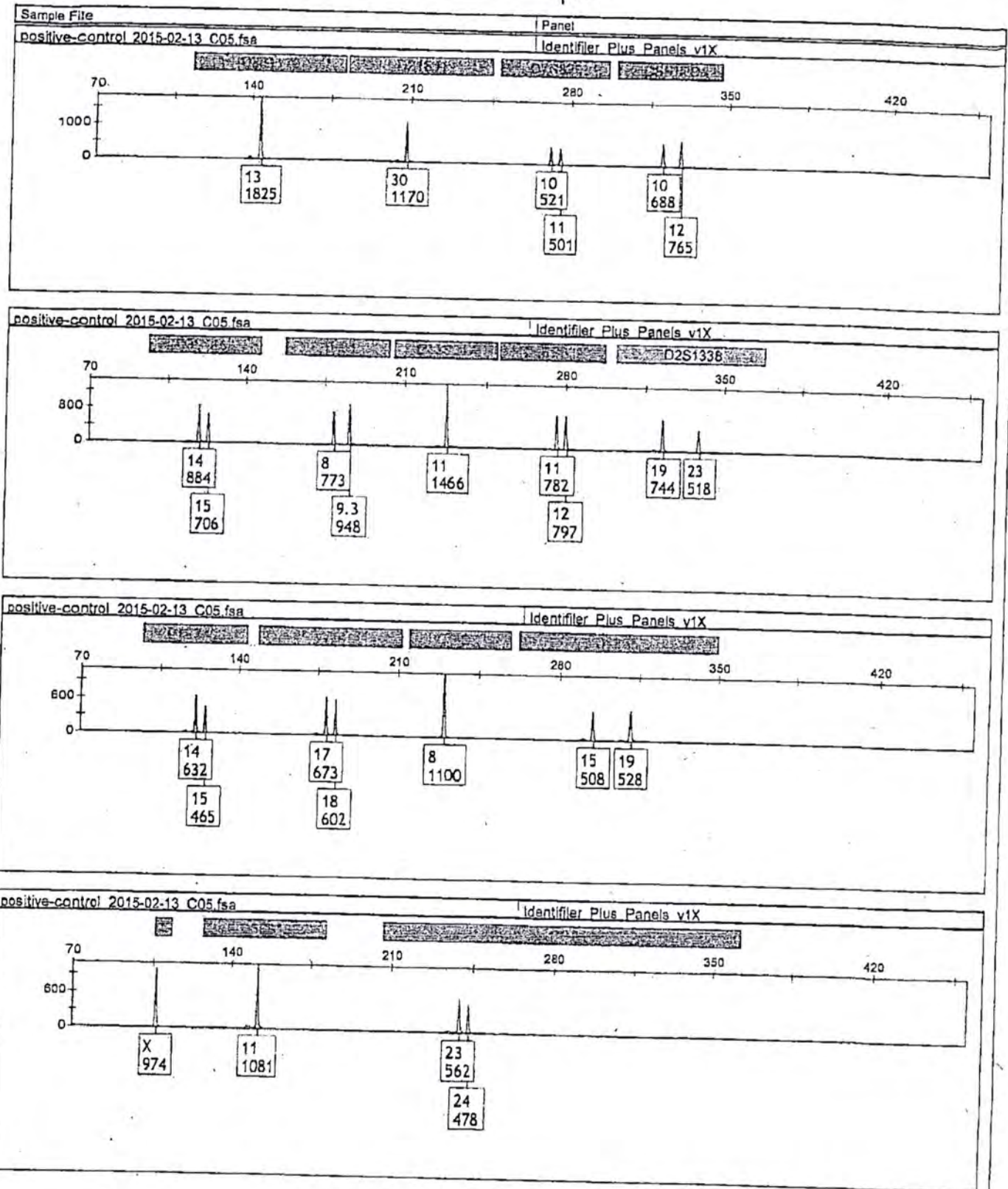
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Page 1 of 1

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Project: 02-13-15nm Rush5 RA

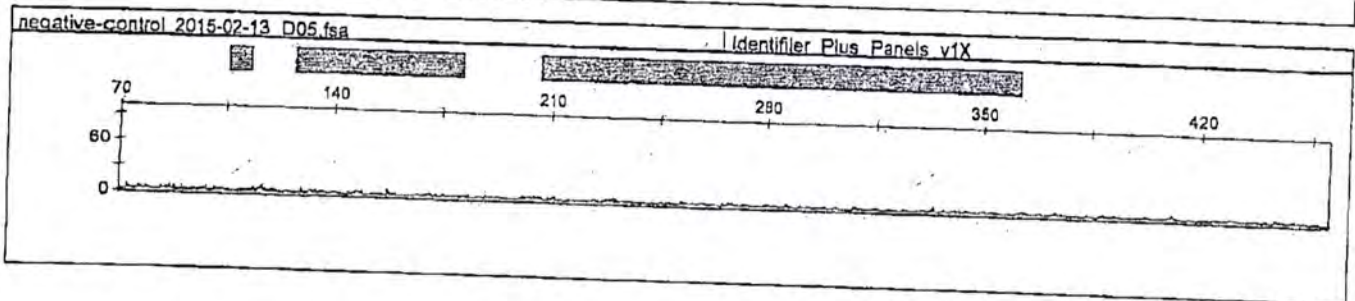
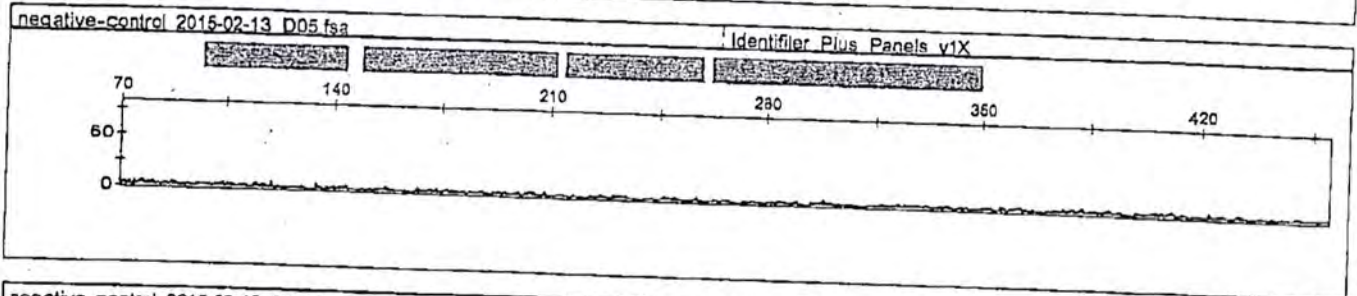
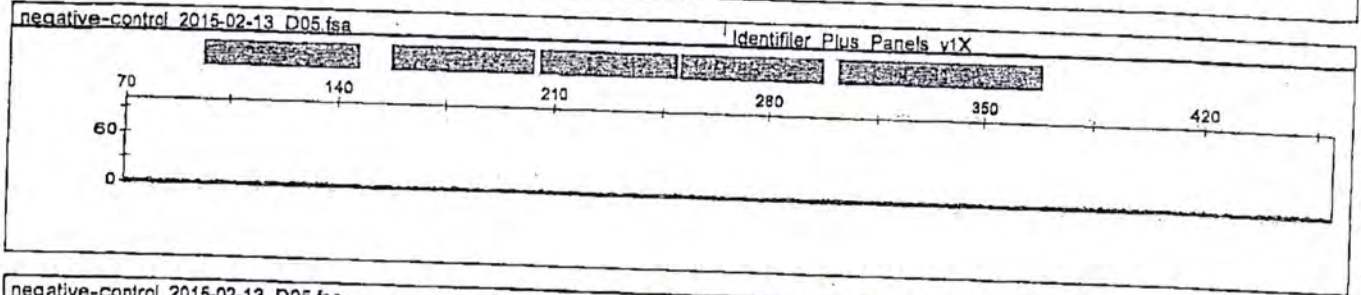
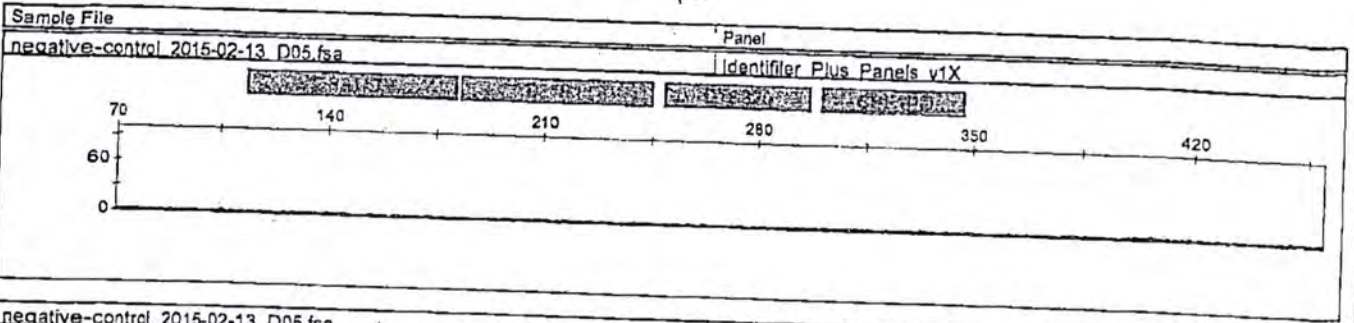
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**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-13-15nm Rush5 RA

MM



**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-15-15nm

NM

Sample File	Sample Type	Analysis Method	Instrument ID	UD2
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2 44-B10-NM-GAR-1501-006886-13-20-AB-elim-IM-5ul_2015-02-15_A01@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
3 44-B10-NM-GAR-1501-006886-13-20-AB-elim-IM-5ul_2015-02-15_A01@2sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
4 44-B10-NM-GAR-1501-006886-13-20-AB-elim-IM-10ul_2015-02-15_B01.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
5 44-B10-NM-GAR-1501-006886-13-20-AB-elim-IM-10ul_2015-02-15_B01@10sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
6 44-B10-NM-GAR-1501-006886-13-20-AB-elim-IM-10ul_2015-02-15_B01@2sec.fsa	Sample	IDPlus_v1X	3130-82-21265-025	not needed
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8 negative_control_2015-02-15_D01.fsa	Negative Control	IDPlus_v1X	3130-82-21265-025	not needed
9 ladder_2015-02-15_H02.fsa	Allelic Ladder	IDPlus_v1X	3130-82-21265-025	not needed

*Retyped, Permutated, Reviewed*

*DL 2-18-15*

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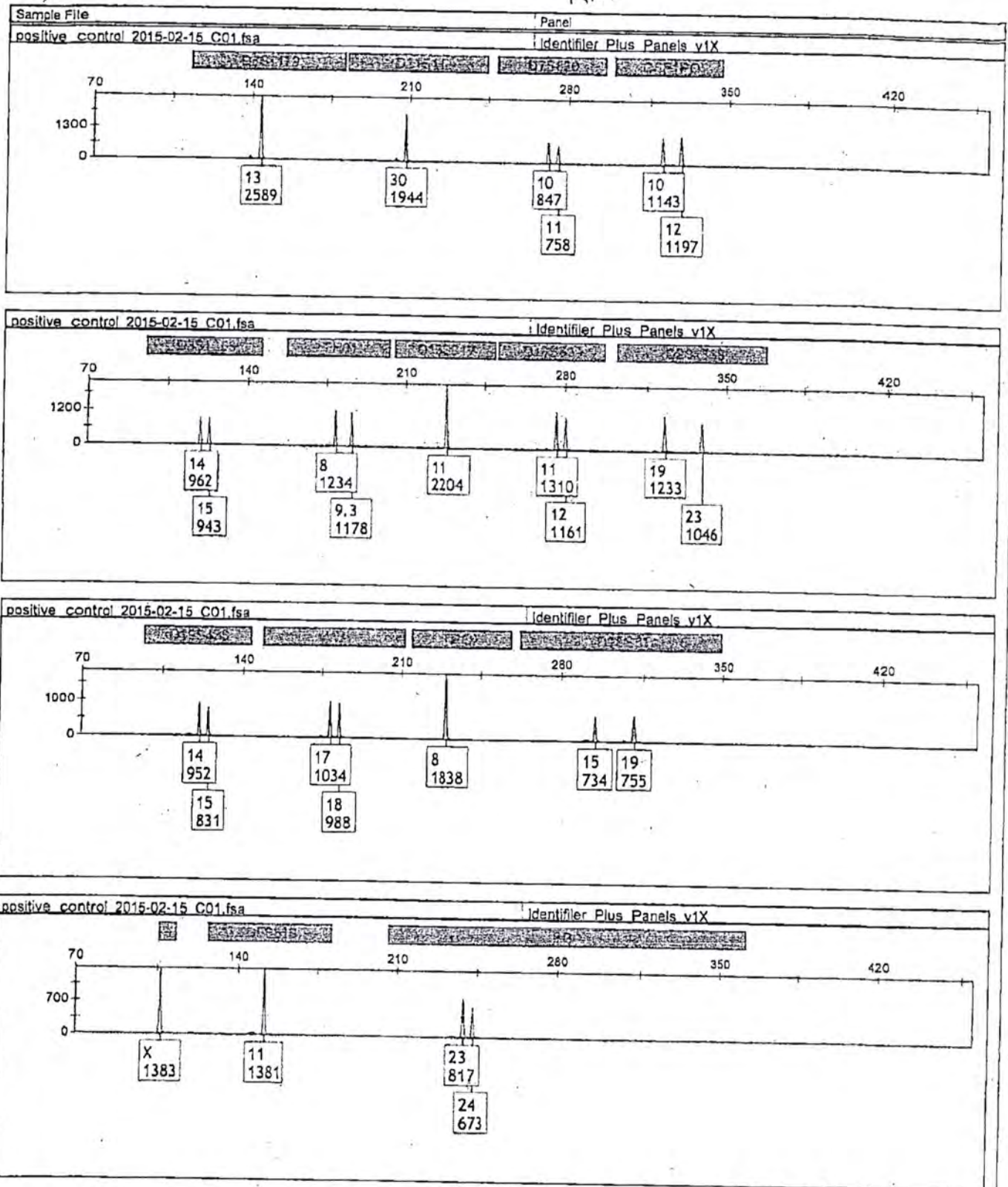
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Project: 02-15-15nm

MM



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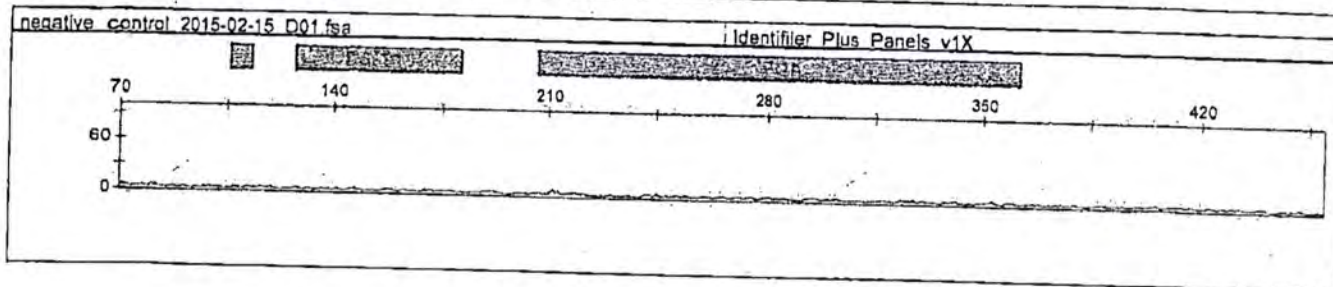
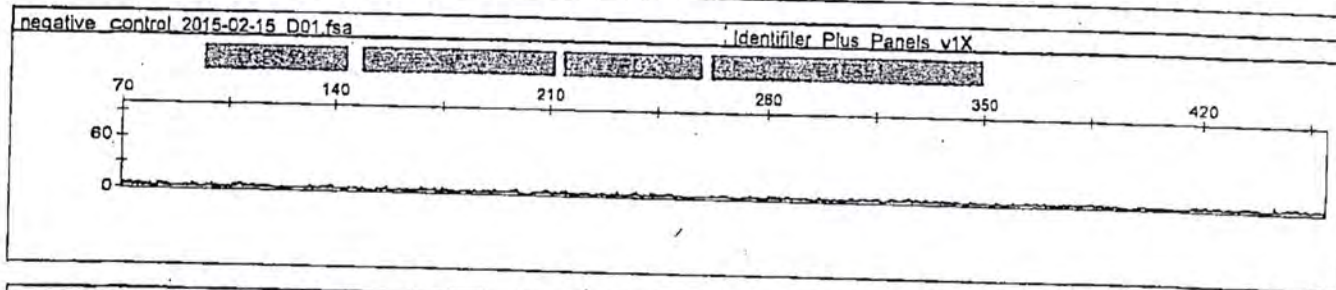
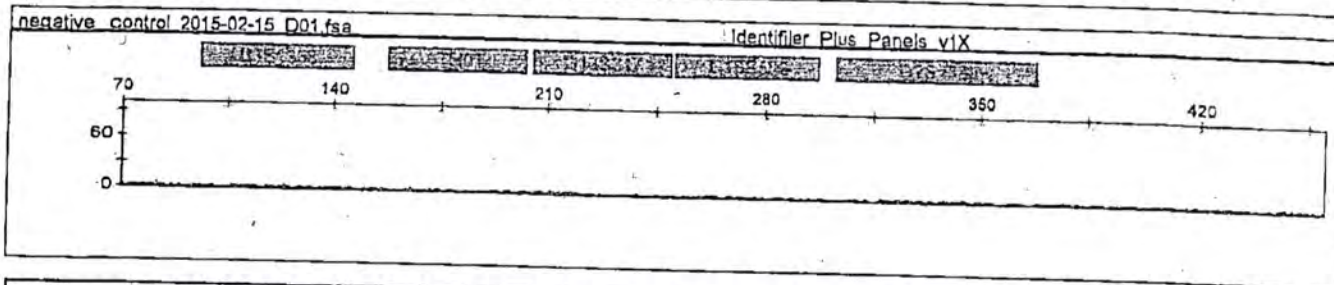
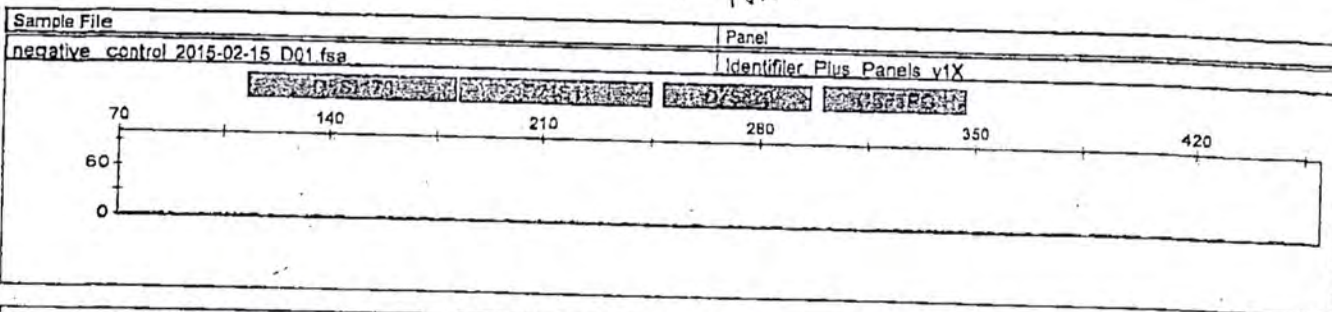
Printed by: analyst

Page 1 of 1

**Applied Biosystems**  
GeneMapper® ID-X 1.4

Project: 02-15-15nm

NM



# **DNA Collection Disposition Worksheet** Garland DPS Crime Laboratory

Case Number: GAR-1411-12607

Analyst: Nicole Mullins

Item #	Agc #	Item Description	Collection Disposition	DNA Notes
01-01	1	Swab from the left rear tire	Frozen/Retained	
01-02	1	Swab from the left door	Frozen/Retained	
01-03	1	Swatch from the driver's door	Frozen/Retained	
03-01	2	Buccal specimen from suspect	Frozen/Retained	

Exhibit 'C' Clerk's Record page 1-7.



GARY FITZSIMMONS  
DALLAS COUNTY DISTRICT CLERK

CLERK'S RECORD

VOLUME: One OF One

FILED IN  
5th COURT OF APPEALS  
DALLAS, TEXAS  
11/4/2015 10:59:51 AM  
LISA MATZ  
Clerk

TRIAL COURT CAUSE NUMBER: F05-56570-S

IN THE 282<sup>ND</sup> JUDICIAL DISTRICT COURT OF DALLAS COUNTY, TEXAS

HONORABLE ANDY CHATHAM, JUDGE PRESIDING

---

ERNEST EDWARD GAINES, PLAINTIFF (APPELLANT)

vs.

THE STATE OF TEXAS, DEFENDANT (APPELLEE)

---

APPEALED TO THE: 5<sup>TH</sup> COURT OF APPEAL

---

ATTORNEY NAME: John Tatum

ATTORNEY ADDRESS: 990 S. Sherman St Richardson, Texas 75081

ATTORNEY PHONE: 972-705-9200

ATTORNEY FAX: 972-690-9901

ATTORNEY EMAIL: jtatumlaw@gmail.com

ATTORNEY BAR NO: 19672500

ATTORNEY FOR APPELLANT: ERNEST EDWARD GAINES

---

DELIVERED TO THE 5<sup>TH</sup> COURT OF APPEAL

ON: November 03, 2015 BY: JAMEKA RAND DEPUTY DISTRICT CLERK

---

APPELLATE COURT CAUSE NO: 05-15-01144-CR

ERNEST EDWARD GAINES

VS.

THE STATE OF TEXAS

CAUSE NO: F05-56570-S

282<sup>ND</sup> JUDICIAL DISTRICT COURT

OF DALLAS COUNTY, TEXAS

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The State of Texas §

County of Dallas §

In the 282<sup>ND</sup> JUDICIAL DISTRICT COURT of Dallas County, Texas

Honorable ANDY CHATHAM Judge Presiding, the following proceedings were held and the following instruments and other papers were filed in this cause, to wit:

TRIAL COURT CAUSE NUMBER: F05-56570-S

STATE OF TEXAS

In The 282<sup>ND</sup> JUDICIAL DISTRICT COURT

VS.

ERNEST EDWARD GAINES

DALLAS COUNTY, TEXAS

Exhibit 'D' Clerk's Record Trial Court's Findings Of Fact page 336-338.



Court of Appeals No. 05-15-01144-CR

Trial Court No. F05-56570-S

THE STATE OF TEXAS	§	IN THE 282 <sup>ND</sup> JUDICIAL
V.	§	DISTRICT COURT
ERNEST EDWARD GAINES	§	DALLAS COUNTY, TEXAS

#### TRIAL COURT'S FINDINGS OF FACT

The Court of Appeals for the Fifth District of Texas at Dallas has ordered the Official Court Reporter for this Court, Patricia Holt, to file either the court reporter's record of the hearing on the motion for post-conviction DNA testing in this case, or written confirmation that no hearing was conducted or recorded.

The Court finds that post-conviction DNA testing was granted in this case on October 22, 2014.

The Court reviewed the DNA test results and entered findings on August 12, 2015, finding that had the results been available during the trial of the offense it is not reasonably probable that the defendant, Ernest Edward Gaines, would not have been convicted.

The August 12, 2015, findings indicated that the results of the DNA testing were examined by the Court during a hearing held under Article 64.04 of the Code of Criminal Procedure. The Court finds that no hearing was held concerning the results of the DNA testing and that the finding of the Court in the August 12, 2015, findings indicating that there was a hearing is inaccurate.

This Court entered its findings based solely on the test results without conducting a hearing.



In addition, this Court has confirmed with Ms. Holt that there is no record of any hearing being conducted on the results of the DNA testing.

The Court therefore finds that there is no reporter's record for the official court reporter to forward to the Court of Appeals.

The Court requests that the Court of Appeals consider these findings as written confirmation that no hearing was conducted or recorded in lieu of written confirmation from Ms. Holt.

The Clerk of this Court is ORDERED to immediately forward a copy of these findings to the Court of Appeals for the Fifth District of Texas at Dallas. It is further ORDERED that the Clerk of this Court forward a copy of these findings to defense counsel, John Tatum, 990 South Sherman Street, Richardson, TX 75081, and to counsel for the State.

SIGNED this 21 day of October, 2015.

A handwritten signature in black ink, appearing to read 'A-G-D', is written over a horizontal line.

AMBER GIVENS-DAVIS, JUDGE  
282<sup>ND</sup> JUDICIAL DISTRICT COURT  
DALLAS COUNTY, TEXAS

ERNEST EDWARD GAINES

CAUSE NO: F05-56570-S

VS.

282<sup>ND</sup> JUDICIAL DISTRICT COURT

THE STATE OF TEXAS

DALLAS COUNTY, TEXAS

**BILL OF COSTS CERTIFICATION**

I, Felicia Pitre, Clerk of the District Courts of Dallas County, Texas do hereby

Certify that the following documents constitute costs that have accrued to date,

November 04, 2015 as listed in the Dallas County mainframe for the above captioned  
cause.

GIVEN UNDER MY HAND AND SEAL of office in Dallas County, Texas on this

November 04, 2015

Jameka Rand

Jameka Rand

J. Rand

Deputy District Clerk

THE STATE OF TEXAS  
COUNTY OF DALLAS

I, Felicia Pitre, District Clerk of  
Dallas County, Texas, do hereby certify  
that the foregoing is a true and correct  
copy as the same appears on record now  
on file in my office.

Witness my official hand and seal of  
office, this 11-4-15

FELICIA PITRE, DISTRICT CLERK  
Dallas County, Texas

By: Jameka Rand  
Deputy



Exhibit 'E' Appellant's Motion To Hold Case Cause Number In Abeyance  
BEFORE Issue The Mandate In This Cause Number Filed on July 25, 2022.

## **5th Circuit Bar-Code Cover Sheet**

[Live]

**File name: 000459280.pdf**

**Docketed by: CyrilMorise**

Bar Code ID: 459280

Date/Time: 7/25/2022,9:42 AM

Case Number: 21-10897

Category: 21-10897\_Prisoner #01



\*53YGQZ\*



\*000459280\*

July 05, 2022

To; United States of Appeals  
Fifth Circuit  
Office of the Clerk  
ATTN: Lyle W. Cayce Clerk,  
600 S. Maestri Place  
New Orleans, Louisiana 70130-3408

From: Mr. Ernest E. Gaines #1364192  
Preston E. Smith Unit HS/E-130B  
1313 County Road 19  
Lamesa, Texas 79331

RE: No. 21-10897

Gaines v. Lumpkin  
USDC No. 3:20-CV-3598-X

Dear Lyle W. Cayce Clerk,

I'm requesting that the following Appellant's Motion To Hold Case Cause Number In Abeyance Before Issue The Mandate In This Cause Number be filed with this Court. I'm also asking that Rule 2 of Appellant Procedure be suspended for copies, because appellant is in forma pauperis indigent, this court shall provide services free of charge to indigent persons under Texas Legislature Statutes Sec. 593.0111 Add at Act 1991, 72nd Leg., ch. 76, Sec. 1, eff., Sept. 1, 1991. I'm sending a stamped envelope, so that a filed stamped sealed copy of this petition be send to appellant for appellant copy. Thank you for your assistance with this matter!

Sincerely,

Ernest E. Gaines  
Appellant's Pro Se

C.C.:File.





United States Court of Appeals  
for the Fifth Circuit

---

No. 21-10897

---

ERNEST EDWARD GAINES,

Petitioner-Appellant,

versus

Bobby Lunmpin, Director, Texas Department of Criminal Justice,  
Correctional Institutionals, Division; NFN Babcock, Warden; NFN  
Garrett, Officer,

Respondents-Appellees,

---

Appeal from the United States District Court  
for the Northern District of Texas  
USCD No. 3:20-CV-3598

---

---

**APPELLANT'S MOTION TO HOLD CASE CAUSE NUMBER IN ABEYANCE BEFORE ISSUE  
THE MANDATE IN THIS CAUSE NUMBER**

---

COME NOW, Ernest Edward Gaines, Appellant's in forma pauperis inid-  
gent proceed in this case cause number, pursuant to Rule 8(c) Federal Rules  
of Appellant Procedure (See also: Rule 38, Federal Rules of Criminal Pro-  
cedure), file this Appellant's Motion To Hold Case Cause Number In Abey-  
ance Before issue The Mandate In This Cause Number, Appellant's case cau-  
se in abeyance for the following reasons:

**I.**

Appellant's request to, this Court, Appellant's Motion To Hold Case  
Cause Number In Abeyance Before Issue The Mandate In This Cause Number,  
because appellant need to go back to the State Court to exhaust all  
claims issues that was not raised on the State level Post-Conviction  
Habeas Corpus 11:073 scientific evidence, newly discovered evidence, and  
actual innocence to exhaust all State Court remedies:

The State uses mandatory language in connection with requiring substantives predicates demands a conclusion that the State has created a protected liberty interest. See *Hewitt v. Helms*, 460, 471-472, 103 S.Ct. 864, 871 (1983) (holding the use of mandatory language combined with requiring specific substantive predicates demands a conclusion that the State has created a protected liberty interest); *Kentucky Dept. of Correction v. Thompson*, 490 U.S. 454, 462-463, 109 S.Ct. 1904, 1909 (1989) (holding a State creates a protected liberty interest by placing substantive limitations on official discretion. Having determined that, the State created and sufficed acquired, a liberty interest in freedom from confinement further demands that, the Due Process and of the 14th Amendment to the U.S. Constitution attached the protections therefore. In other words once the State created liberty interest is obtained, the Due Process protections and requirements come right along side. In this case Article/-Chapter 64.01-64.05 is the DNA requirements are lawful and meet relevant criteria moves over, it was rescinded without notice and without an opportunity to be heard. See *Ellis v. Director of Colombia*, 84 F.3d 1413, 1417 (DC Cir. 1996) (holding The Supreme Court's settled approach to the DUE Process Clause concerning liberty interests, turn on the language of the regulations); *Ex Parte Geiken*, 28 S.W.3d, at 556 (holding if a liberty interest is created, due process requires notice and a meaningful opportunity to be heard. *Kentucky Doc*, 490 U.S. at 462, 109 S.Ct. 1904 (holding most prison procedural due process turn on language creating substantive predicates to guide discretion. *La Chance v. Erickson*, 552 U.S. 262, 266, 118 S.Ct. 753, 756 (1998) (Holding the Court of due process is the right to notice and meaningful opportunity to be heard.

\* Appellant's only has a statutory right to a hearing if the trial court orders DNA testing and the results of such testing are then completed. Tex. Code Crim. Proc. Art. 64.04. The DNA testing was ordered on September 25, 2014 Order Granting Ernest Gaines Motion For Post-Conviction DNA Testing, Clerk's Record Vol.1-300, and see Trial Court's Findings of Fact Clerk's Record Vol.1-336-337 that the

August 12, 2015, findings indicated that the results of the DNA testing were examined by the Court during a hearing held under article 64.04 of the Code of Criminal Procedure, the Court finds that no hearing was held concerning the results of the DNA testing and that the findings of the Court in the August 12, 2015 findings indicating that there was a hearing is inaccurate. This Court entered its findings base solely on the test results without conducting a hearing on October 21, 2015. This clearly violated appellant's due process, a right to be representation by counsel at the hearing, a right for court appointed counsel to file Motions For A Independent Experts Witness, Motion To Suppress DNA Testing, and Motion For New Trial, because the trial court /State's Expert Witness filed a false DNA Testing Results Report to this Court, because appellant has a pro bono pathologist Harry J. Bonnell, M.D. affidavit from review and analyzed forensic scientist Nicole Mullins DNA Testing Report that was render an analysis and report nor am I commenting on the false report of the 282nd Judicial Court wherein it stated that a hearing was held but that was untrue, on June 09, 2022. This violates appellant right to cross-examine/confrontation clause of the United States Constitution Six Amendment, and due process.

\* Appellant was not put on notice of the Article/Chapter 64.04 hearing, this violates his due process rights.

\* Appellant was not present at the Article/Chapter 64.04 which violates his rights to be heard and due process rights to attended the Article/-Chapter 64.04 hearing.

\* Appellant court appointed counsel Julie Lesser was not present at the Article/Chapter 64.04 hearing to representation appellant as counsel violation of the Six Amendment of the United States Constitution rights for Representation at any proceeding. See U.S. v. Cronin, 466 U.S. 648, 80 L.Ed. 2d 657, 104 S.Ct. 2039..

\* Appellant court appointed counsel Julie Lesser was not present at the Article/Chapter 64.04 hearing to object to the forensic scientist Nicole

Mullins false DNA Testing Results Report that was not entered in to the Clerk's Reporter records, because there was not a Article/Chapter 64.04 hearing held where a trial transcript/Clerk's Record written by a court reporter, which violates a complete record so that appellant have the trial transcripts/Clerk's record to refer to for actual violation of the appellant constitutional rights.

\* Appellant court appointed counsel Julie Lesser was not present at the Article/Chapter 64.04 to cross-examination/Confrontation Clause to the false report/DNA Testing Results Report. The Forensic Scientist Nicole Mullins entered a false report, that the Judge held a closed hearing by himself and made a independent review on false evidence that created a miscarriage of justice violates due process in the interests of justice. Forensic Lab Report Confrontation Clause, 131 S.Ct. 2705.

\* Appellant Court appointed counsel Julie Lesser failed to develop, and present to the Judge the DNA Testing Results/falsified report of certain allegedly exculpatory forensic evidence that was a false report given to the Judge for a independent review on a false report/DNA Testing Results on forensic scientist Nicole Mullins, which causes the Judge to make a decision with a falsified report causing a miscarriage of justice in the interests of justice on standard of review on post-conviction review of habeas corpus applications/trial court's findings of fact clerk's record Vol.1-336-337, the convicting court is the "original factfinder," and this Court is the ultimate factfinder. *Ex parte Reed*, 271 S.W.3d 698, 727(Tex.Crim.App.2008). We generally defer to and accept the convicting court's findings of fact and conclusions of law when they are supported by the record. *Id.* However, "[w]hen our independent review of the record reveals that the judge's findings and conclusions are not supported by the record, we may exercise our authority to make a contrary

or alternative findings and conclusions."Id.

\* Appellant has denied his right to discovery Rule(6), record expansion Rule(7), and evidence hearing Rule(8) was filed with this Court, which shows the DNA testing results was not filed in the trial court reporter record trial transcripts/clerk's record, which this denied appellant a complete record to file to this Court. It is clear that the record is not complete; so that existing briefs cannot cite to the complete record as required by the rules of appellate procedure. Tex.R.App.P. 38.1, accordingly, because the record is not complete, the existing briefs, will need to be replaced by amended briefs once the complete record is filed.

\* Appellant shows the trial court abuse of discretion by not granting a appellant request for Motion To Hold A Hearing Pursuant To Under Article 64.04 Texas Code of Criminal Procedure, (1) articulated a valid legal claim in his motion (2) produced evidence or pointed to evidence in the trial record that substantiated the legal claim (DNA testing results record) and (3) showed prejudice to his substantial rights under Tex.R.App.-P. 44.2.

\*\*Appellant enter into record the affidavit of Harry J. Bonnell, M.D. pro bono pathology reviewed and analyzed forensic scientist Nicole Mullins DNA testing results report/falsified report filed with the 282nd Judicial District Court Dallas County wherein stated that a hearing was held that was untrue,,the false report was entered and affidavit written on June 09, 2022, and curriculum vitas education training see Exhibit 'A'.

WHEREFORE, PREMISES CONSIDERED, Appellant's pray that the Appellant's Motion To Hold Case Cause Number In Abeyance Before Issue The Mandate In This Cause Number be [GRANTED] by this court, order the clerk of this court send a order verify this order to appellant.

EXECUTED on this 5 day of July, 2022.

Respectfully Submitted,  
Ernest E. Gaines  
Appellant's Pro Se

CERTIFICATE OF SERVICE

I, Ernest Edward Gaines, hereby certify that a true and correct copy of the above Appellant's Motion To Hold Case Cause Number In Abeyance Before Issue The Mandate In This Cause Number: was service on the Dallas County District Attorney Office on the 5 day of July, 2022.

Respectfully Submitted,  
Ernest E. Gaines  
Appellant's Pro Se

UNSWORN DECLARATION

I, Ernest Edward Gaines, swear under the penalty of perjury that this motion is correct to the best of my knowledge.

EXECUTED on this 5 day of July, 2022.

Respectfully Submitted,  
Ernest E. Gaines  
Appellant's Pro Se  
TDCS No. 1364192  
Smith Unit  
1313 County Road 19  
Lamesa, Tx. 79331

C.C.:File.

United States of Appeals  
Fifth Circuit  
Office of the Clerk  
ATTN: Lyle W. Cayce Clerk,  
600 S. Maestri Place  
New Orleans, Louisiana 70130-3408



HS/E-130B

Mr. Ernest E. Gaines #1364192  
Preston E. Smith Unit HS/E-130B  
1313 County Road 19  
Lamesa, TX 79331

7933131894 H007

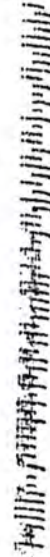


Exhibit 'F' Court appointed counsel letters sent to Ernest Gaines.

CAUSE NO. F05-56570-S

THE STATE OF TEXAS                   §   IN THE 282<sup>ND</sup> JUDICIAL DISTRICT  
   §  
VS.   §   DISTRICT COURT  
   §  
ERNEST GAINES                         §   DALLAS COUNTY, TEXAS

FILED  
2014 AUG 13 AM 9:00  
CLERK  
DALLAS COUNTY, TEXAS  
DEPUTY

**MOTION FOR POST CONVICTION FORENSIC DNA TESTING  
AND DEFENDANT'S SUPPORTING AFFIDAVIT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the defendant in the above-entitled and numbered cause, by and through counsel, pursuant to Chapter 64 of the Texas Code of Criminal Procedure, and would show unto the court in support of this Motion for Post Conviction Forensic DNA Testing the following:

I.

There was evidence containing biological material secured in relation to the above-entitled and numbered cause number. This evidence was in the possession of the State during the trial of the offense.

II.

The evidence, to the best of defendant's knowledge, was not previously subjected to DNA testing or, although previously subjected to DNA testing, can be subjected to testing with newer testing techniques that provide a reasonable likelihood of results that are more accurate and probative than the results of previous testing. There is a substantial likelihood that DNA testing of the biological evidence would show that the defendant is not guilty of this charge.

III.

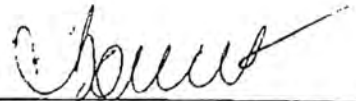
*Identity was and is an issue in this case. It is a reasonable probability that the defendant would not have been convicted if exculpatory results were obtained through DNA testing. This evidence would exclude a person from the group of persons who could have committed this offense.*

IV.

Defendant makes this request for DNA testing in the interest of justice, and this request is not made to unreasonable delay the execution of sentence or administration of justice.

WHEREFORE, PREMISES CONSIDERED, the defendant herein would respectfully pray that this court order the requested DNA testing to be done. Defendant prays for such other and further relief as to which the defendant may be entitled.

Respectfully submitted,




Julie Doucet  
Assistant Public Defender  
133 N. Riverfront Blvd., LB 2  
Dallas, Texas 75207  
Phone: 214-653-3550  
Fax: 214-653-3539  
Texas Bar No. 00787389

Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above motion was served on the Dallas County District Attorney's office on the 13 day of August, 2014.

  
\_\_\_\_\_

No. F05-56570

THE STATE OF TEXAS

§

FILED

COUNTY OF DALLAS

§

2016 JUL 30 AM 11:40  
SWORN AFFIDAVIT  
GAINES, ERNEST EDWARD  
DIST. CLERK  
DALLAS COUNTY, TEXAS  
DEPUTY

SWORN AFFIDAVIT

I, ERNEST EDWARD GAINES, I'm over the age 18 of sound mind and have no disability capable of making this statement under duress, nor am I being forced or coerced in any way. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement I may be held criminally responsible. I swear under the penalty of perjury the following is true and correct to the best of my knowledge. This statement is true.

The Forensic DNA Testing pursuant to Chapter 64 of the CODE OF CRIMINAL PROCEDURE will show my innocence by the following:

- (1) All fingerprints, palm prints, and foot prints on steering wheel, gearshift, dashboard, and console of the victim's vehicle car at crime scene including DNA Testing, biological and scientific tests for Defendant's DNA in order to prove his innocence.
- (2) All blood testing, and hair samples testing because Defendant's was injured on his left arm elbow bleeding badly August 28, 2005 accident in his truck. See In-Take Book-In Dallas County Jail - Lew Sterrat Dallas, Texas required nurse attendance first-aid bandages on left injured arm elbow August 28, 2005. To see if any of Defendant's blood or hair sample is in the victim's vehicle car DNA Testing, biological, and scientific tests in order to prove Defendant's innocence.

cells

CONCLUSION AND PRAYER

Defendant's request that this Court find there are controverted previously, unresolved matters of facts "material" to the legality

of Defendant's confinement and either through a hearing where evidence may be presented or through an order enter findings of facts and conclusion of law and recommend that motion should be granted by the Court.

UNSWORN DECLARATION

I, ERNEST EDWARD GAINES, Defendant Pro-Se in this cause, state the following under the penalty of perjury. I am a prisoner, #1364192 currently incarcerated in the Michael Unit in Texas Department Of Criminal Justice in Anderson County, Texas. I am duly qualified and authorized in all respect to make this unsworn declaration. I have read the foregoing Sworn Affidavit, and declare that I have personal knowledge of the facts contained therein and said facts are true and correct.

EXECUTED in Anderson County, Texas, pursuant to Article 132.001 et. seg., Texas C.P.R.C. and 28 USC § 1745, on this 28 day of July, 2014.

Respectfully Submitted,

Ernest E. Gaines

ERNEST EDWARD GAINES  
Defendant Pro-Se  
TDCJ-ID No. #1364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

CERTIFICATE OF SERVICE

I, ERNEST EDWARD GAINES, hereby certify that a true and correct of this motion was served on Gary Fizzsimmons District Clerk Frank-Crowly Criminal Bldg. 133 N. Riverfront Blvd. Dallas, Texas 75207.

EXCUTED on this 28 day of July, 2014.

Respectfully Submitted,

Ernest E. Gaines

ERNEST EDWARD GAINES

Defendant Pro-Se

TDCJ - ID No. #1364192

Michael Unit

2664 FM 2054

Tennessee Colony, TX 75886

c.c on July 28, 2014.

CAUSE NO. F05-56570-S


THE STATE OF TEXAS	§	IN THE 282 <sup>nd</sup> JUDICIAL
VS.	§	DISTRICT COURT
ERNEST GAINES	§	DALLAS COUNTY, TEXAS

ORDER APPOINTING COUNSEL UNDER CHAPTER 64.01

The Defendant in the above numbered and styled cause has informed the Court that he wishes to submit a motion for post-conviction DNA testing pursuant to Chapter 64 of the Texas Code of Criminal Procedure. The Defendant has also requested the appointment of counsel. Having determined that reasonable grounds exist for this motion to be filed and that Defendant is indigent, the Court hereby appoints Julie Doucet, Dallas County Public Defender's Office, 133 N. Riverfront Blvd., L.B.2, 9<sup>th</sup> Floor, Dallas, Texas, 75207, as counsel to represent the Defendant.

It is therefore ORDERED that Defendant's request for appointment of counsel is GRANTED.

Signed this 13<sup>th</sup> day of August, 2014.

  
Judge Presiding

CAUSE NO. F05-56570-S

STATE OF TEXAS

v.

ERNEST GAINES

§  
§  
§  
§  
§

IN THE 282<sup>nd</sup> JUDICIAL

DISTRICT COURT

DALLAS COUNTY, TEXAS

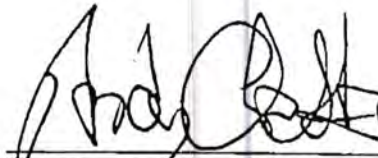
COURT'S NOTIFICATION OF REQUEST FOR FORENSIC DNA TESTING

The Defendant in the above numbered and styled cause number has filed a motion with this court for forensic DNA testing pursuant to Chapter 64 of the Code of Criminal Procedure. A copy of the Defendant's motion is provided along with this notice.

In accordance with Article 64.02 of the Code of Criminal Procedure, Craig Watkins, the District Attorney of Dallas County, Texas, or his designated assistant District Attorney, is hereby ORDERED to deliver to the Court the evidence designated in the Defendant's motion, along with a description of the condition of the evidence, or explain in writing to the Court why the evidence cannot be delivered to the Court.

The State's response shall be filed with this Court no later than the 8<sup>th</sup> day of October, 2014.

SIGNED this 13 day of August, 2014.

  
Judge Presiding



DALLAS COUNTY  
Public Defender's Office

August 15, 2014

Mr. Ernest Edward Gaines, #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

Dear Mr. Gaines,

The Judge for the 282<sup>nd</sup> Judicial District Court has appointed Julie Doucet to represent you on your request for post-conviction DNA testing.

As a result, Ms. Doucet has filed a Motion for post-conviction DNA testing on your behalf and notified the Court. Enclosed are copies of the Order, Motion and Court's Notification. Please retain these copies for your records.

The State should file a response to the Motion by October 8<sup>th</sup>. We will forward you a copy of the response once it is filed.

With kindest regards,

A handwritten signature in cursive script that reads "LaKisha Camese".

LaKisha Camese, CRP  
Paralegal for Julie Doucet

Enclosures (3)

lc/JD



DALLAS COUNTY  
Public Defender's Office

September 22, 2014

Mr. Ernest Edward Gaines, #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

Dear Mr. Gaines,

Thank you for your recent correspondence dated September 11, 2014 and the information contained in your letter.

Ms. Doucet will make the appropriate request(s) for expert assistance when, and if, it becomes necessary and she has the legal basis to do so at the appropriate time. It is premature to do so at this time since we don't even know what evidence, if any, has been retained by the police agency, SWIFS, and the evidence registrar for Dallas County.

However, we will keep you updated as your case progresses.

With kindest regards,

A handwritten signature in cursive script that reads "LaKisha Camese".

LaKisha Camese, CRP  
Paralegal for Julie Doucet

lc/JD



DALLAS COUNTY  
Public Defender's Office

October 8, 2014

Mr. Ernest Edward Gaines, #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

Dear Mr. Gaines,

Enclosed is a copy of the State's response to your motion for post-conviction DNA testing. Please retain this copy for your records.

As you can see, the State agrees that you meet the requirements for testing. We are working out the details for the order and will keep you posted.

Also, please be advised that someone will be coming to take a buccal swab from you- it looks like a really long q-tip that is swabbed on the inside of your mouth. Please cooperate with them- without talking about your case- and let us know when that has been done. This means that you will need to sign the envelope after they seal the swab from the inside of the envelope.

We will keep you updated.

With kindest regards,

A handwritten signature in black ink that reads "LaKisha Camese". The signature is fluid and cursive.

LaKisha Camese, CRP  
Paralegal for Julie Doucet

Enclosure (1)

lc/JD



DALLAS COUNTY  
Public Defender's Office

November 11, 2014

Mr. Ernest Edward Gaines, #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

Dear Mr. Gaines,

Enclosed is a copy of the Order granting your motion for post-conviction DNA testing.  
Please retain this copy for your records.

The evidence is being transferred to the Texas Department of Public Safety (DPS) and we  
will keep you updated as we have more information.

With kindest regards,

A handwritten signature in black ink that reads "LaKisha Camese". The signature is fluid and cursive.

LaKisha Camese, CRP  
Paralegal for Julie Doucet

Enclosure (1)

*Order Granting Motion for Post-Conviction DNA Testing*

lc/JD



# DALLAS COUNTY

Public Defender's Office

July 15, 2015

Mr. Ernest Edward Gaines, #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

*Re: State of Texas vs. Ernest Edward Gaines, F05-56570-S*

Dear Mr. Gaines,

Enclosed are copies of the Texas Department of Public Safety Crime Lab reports dated January 27, 2015 and March 31, 2015. Please retain these copies for your records.

Based on these reports, we expect the Court will enter findings that, had this information been available, it is like you would still have been convicted.

We will keep you updated.

With kindest regards,

A handwritten signature in black ink, reading "LaKisha Camese". The signature is fluid and cursive, with a long horizontal stroke at the end.

LaKisha Camese, CRP  
Paralegal for Julie Lesser

Enclosures (2)

*Texas Department of Public Safety Crime Laboratory Report dated January 27, 2015 (2 pages)*

*Texas Department of Public Safety Crime Laboratory Report dated March 15, 2015 (2 pages)*

lc/JL



DALLAS COUNTY  
Public Defender's Office

August 12, 2015

Mr. Ernest Edward Gaines, #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

*Re: State of Texas vs. Ernest Edward Gaines, F05-56570-S*

Dear Mr. Gaines,

Enclosed please find the Article 64.04 Findings on the pending Chapter 64 motion. As anticipated, the Judge determined that had the results been available at trial the outcome would have been the same.

In reference to your July 29, 2015 letter, the issues you raise are not Chapter 64 issues. Chapter 64 only addresses DNA testing.

If you would like to appeal the Findings entered today, you must notify the clerk of the court within 30 days by sending notice directly to the clerk at:

282<sup>nd</sup> Judicial District Court  
Clerk of the Court  
Frank Crowley Courts Building  
133 N. Riverfront Blvd., Lockbox 32  
Dallas, Texas 75207

Please be aware that any appeal will be limited to the specific Findings made by the Judge based on the lab reports.

Best of luck to you in the future.

Sincerely,

A handwritten signature in cursive script that reads "Julie Lesser".

Julie Lesser  
Assistant Public Defender

Encl.



## DALLAS COUNTY

Public Defender's Office

December 19, 2019

Mr. Ernest Edward Gaines, #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

*Re: State of Texas vs. Ernest Edward Gaines, F05-56570-S*

Dear Mr. Gaines,

I am in receipt of your recent letter. Please be aware that I have provided you with a complete copy of all the documents I have in your file.

Unfortunately, I will not be able to assist you with any mandamus, as my representation of you has concluded. The DNA results were reported almost five years ago, they were presented to the Court and the Court issued Article 64.04 Findings in this case on August 12, 2015, a copy of which were provided to you at that time. There is no requirement that the forensic scientist provide live testimony.

Should you desire additional information, you are free to direct your written request(s) to the originating agency. Unfortunately, I am not be able to assist you further in this regard.

Best of luck to you in the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Lesser", is written over a horizontal line.

Julie Lesser  
Assistant Public Defender

Exhibit 'G' Letter's write to Mr. John Creuzot Criminal District  
Attorney.

December 06, 2021

To: Mr. John Creuzot Criminal District Attorney  
Frank Crowley Courts Buidling  
133 N. Riverfront Blvd. LB.-19  
Dallas, Texas 75207-4399

From: Mr. Ernest E. Gaines #1364192  
Preston e. Smith Unit HS/C-130B  
1313 County Road 19  
Lamesa, TX 79331

Dear Mr. John Creuzot Criminal District Attorney,

Sir, on June 15, 2021 you had the Assistant District Attorney Rianne Morre Conviction Integrity Unit sent Cybergenetics up on my request the electronic DNA data files (.hid and .fsa) on CDs or USB drives. Now correct me if I'm wrong but you download the CDs or the USB drives into a document file copy and then open the document file and copy records from the file! I took a some computer business courses an learned that.

I've wrote up to six letters dates from June 20, 2021, July 16, 2021, August 22, 2021, September 22, 2021, October 05, 2021, and October 26, 2021 requesting her to send me a copies of the electronics data files (.hid and .fsa) she claims she can not perform the analysis withuot the electronic DNA data file.

Now she said I must get with you and Dallas County Assistant District Attorney Rianne Moore to get get copies of the electronic DNA data files (.hid and .fsa), so that I will have copies for my file, and my expert witness to go over an see what evidene this electronic DNA data files (.hid and .fsa) shows!

Please send the information requested above, so pro se litigant made have a right to view all the evidence in his case. Cybergenetics Ms. Stephanie Frisina, MS started out being truthful, but late on would no answer my questions an started withholding information and maybe evidence can prove my innocence, so I need to review all the electronics DNA data file (.hid and .fsa) for myself, please send information above!

Thank you for your assistance with this matter!

RE: State of Texas  
vs.  
Ernest Edward Gaines  
Cause No. F05-56570

Sincerely,

  
Litigant Pro Se

c.c.File.

To: Mr. John Creuzot Criminal District Attorney  
Frank Crowley Courts building  
133 N. Riverfront Blvd. LB. 19  
Dallas, TX 75207-4399

September 22, 2021

From: Mr. Ernest E. Gaines #1364192  
Preston E. Smith Unit HS/C-130B  
1313 County Road 19  
Lamesa, TX 79331

RE: State of Texas vs. Ernest Edward Gaines  
Cause No. F05-56570

Dear John Creuzot Criminal District Attorney,

Sir, I'm bring to your awareness that Riann Moore Assistant District Attorney forwarded Cybergenetis DNA data files on June 15, 2021 to review as I request. I have written Cybergenetics on July 16, 2021, August 22, 2021, and September 22, 2021 to send copies of the DNA data files sent to the by Ms. Rianne Moore Ass. District Attorney, and Mr. John Creuzot Criminal District Attorney, and I have requested three different time for them to send me copies of the DNA data files for me records an review for appeal purposes, and they have not. I'm sending you there telephone number (412)683-3004 and tell them to forward me a copies of the DNA data files sent to them by you, or you send me a copies so I can re what was sent to them for my records an appeal purposes.

I also, want to bring to your attention I filed Applicant's Pro Motion For The 282ND Judicial District Court To Take Judicial Notice Of The Attached Exhibit's In The Interests Of Justice Due Process F Constitution Violations, and Applicant's Pro Se Motion For Post-Conviction To Compel Discovery To Obtain Documents And Trial Records I Forma Pauperis that was not available to me, because I was on Suicide Precaution Paper Drape Only the entire trial, and the Court was aware of me begin on Suicide Precaution Paper Drape Only with [Stunbelt] throughout the entire trial. See 2017 U.S.App.LEXIS 14363 (7th Cir Aug. 4, 2017), Sir, I would like a [Open File] to the District Attorney file [see] for the withholding of favorable evidence that prove preponderance of evidence of actual innocence for filing 11.073 habeas corpus scientific evidence to prove actual innocence with DNA Report was not entered into evidence by Judge in a hearing that was not held with a the Judicial member in the processing, which violation of applicant due process rights to full hearing, and right to a fair trial proceeding. No Article/Chapter 64.04 hearing has been held in the Gaines' Motion For Post-Conviction Forensic DNA Testing Results Article/Chapter 64.04 hearing violation of due process no results in DNA Testing results. Yes, there is evidence to prove applicant Gaines was not at the crime scene of this offence. Riann Moore Ass. District Attorney is withholding the favorable evidence that prove preponderance of evidence in the actual innocence of Gaines case.

Honorable Criminal District Attorney John Creuzot would you allow applicant Gaines' Pro Se litigant the opportunity to prove his innocence by the preponderance of evidence in the [open file] of favorable evidence withheld in the District Attorney file that has been reviewed by Applicant Gaines, request to review D.A. file. Thank You! Sir

Sincerely, *Ernest E. Gaines*

c.c.: File. on September 22 2021

July 8, 2022

To: Dallas County District Attorney's Office  
Attn: Public Information Act Request  
133 North Riverfront Boulevard, #B19  
Dallas, Texas 75207-4399

From: Mr. Ernest E. Haines #1364192  
Preston E. Smith Unit HS-E-130B  
1313 County Road 19  
Dumas, Texas 79331-1898

RE: State of Texas vs. Ernest Edward Haines  
Case No. F05-56570

Dear Dallas County District Attorney's Office, Attn: Public Information Act Request:

I'm responding to letter date June 29, 2022 that I received from Preston E. Smith Unit Mailroom Supervisor Mrs. Rebur on July 05, 2022 legal mail.

Mrs. Rianne Moore Assistant District Attorney I request Public Information Act Request the electronic data files (.hid and .gsa) send to Cybergnetics Mr. Stephane Thomas, M.D. on June 15, 2021. And would you also send me the Crime Scene blood type of the three blood sample at the crime scene. I will have a copy of for my files and my expert witness to go over and see what evidence the electronic DNA data files (.hid and .gsa) and the three blood samples at the crime scene blood type is shows for evidence purposes.

Please forward me all the information in the District Attorney's file that is the open file records of exculpatory evidence under the Brady claim, because I'm the appellant pro se cannot represent myself as pro se litigant et al. Corpus scientific evidence 11.073 actual innocence. Thank you for assisting with the right information to make a Public Information Act request to the Dallas County District Attorney's Office to get all the information listed above! Please send me all information as soon as possible!

Sincerely,  
Ernest L. Haines  
Appellant's Pro Se

C.C.:File!

September 22, 2022

To: Mr. John Creuzot Criminal District Attorney  
Frank Crowley Courts building  
133 N. Riverfront Blvd. LB. 19  
Dallas, TX 75207-4399

From: Mr. Ernest E. Gaines #1364192  
Preston E. Smith Unit HS/C-130B  
1313 County Road 19  
Lamesa, TX 79331

RE: State of Texas vs. Ernest Edward Gaines  
Cause No. F05-56570

Dear John Creuzot Criminal District Attorney,

Sir, I'm bring to your awareness that Riann Moore Assistanc District Attorney forwarded Cybergenetis DNA data files on June 15, 2021 to review as I request I have written Cybergenetics on July 16, 2021, August 22, 2021, ar September 22, 2021 to send copies of the DNA data files sent to the by Ms. Rianne Moore Ass. District Attorney, and Mr. John Creuzot Cr inal District Attorney, and I have requested three different time f them to send me copies of the DNA data files for me records an revi for appeal purposes, and they have not. I'm sending you there telep number (412)683-3004 an tell them to forward me a copies of the DNA data files sent to them by you, or you send me a copies so I can re what was sent to them for my records an appeal purposes.

I also, want to bring to your attendation I filed Applicant's Pro Motion For The 282ND Judicial District Court To Take Judicial Notic Of The Attached Exhibit's In The Interests Of Justice Due Process F Constitution Violations, and Applicant's Pro Se Motion For Post-Con viciton To Compel Discovery To Obtain Documents And Trial Records I Forma Pauperis that was not available to me, because I was on Suici Precaution Paper Drape Only the entire trial, and the Court was awa of me begin on Suicide Precaution Paper Drape Only with[Stunbelt] o through out the entire trial. See 2017 U.S.App.LEXIS 14363 (7th Cir Aug. 4, 2017), Sir, I would like a [Open File] to the District Atto file [see]for the withholding of favorable evidence that prove preper erance of evidence of actual innocence for fileing 11.073 habeas co scienific evidence to prove actual innocnce with DNA Report was not entered into evidence by Judge in a hearing that was no held with a the Judicial member in the processing, which violation of applicant due process rights to full hearing, and right to a fair trial proces ing. No Article/Chapter 64.04 hearing has been held in the Gaines' Motion For Post-Conviction Forensic DNA Testing Results Article/Chap 64.04 hearing violation of due process no results in DNA Testing res Yes, there is evidence to prove applicant Gaines was not at the crim scene of this offence. Riann Moore Ass. District Attorney is withhol the favorable evidence that prove preponderance of evidence in the actual innocence of Gaines case.

Honorable Criminal District Attorney John Creuzot would you allow applicant Gaines' Pro Se litigant the opportunity to prove his innoc ence by the preponderance of evidence in the [open file] of favor- able evidence withheld in the District Attorney file that has been r view by Applicant Gaines, request to review D.A. file. Thank You! Si

Sincerely, *Ernest E. Gaines*



Exhibit 'H' Letters of Mr. John Creuzot responding to Ernest Gaines  
letters.





JOHN CREUZOT  
CRIMINAL DISTRICT ATTORNEY  
DALLAS COUNTY, TEXAS

June 29, 2022

Mr. Ernest Edward Gaines  
TDCJ No. 01364192  
Preston E. Smith Unit  
1313 CR 19  
Lamesa, TX 79331-1898

RE: *State of Texas vs. Ernest Edward Gaines*  
*Cause No. F05-56570*

Dear Mr. Gaines:

You previously wrote to the CIU asking for assistance in having files sent to Cybergenetics, because they had agreed to look at the files for you at no cost to yourself. I wrote to you on June 15, 2021, indicating that at your request, the DNA data files were sent to Cybergenetics. They performed that review and corresponded with you their results. I also wrote to you that the CIU was not opening an investigation or further review into your case. I am now in receipt of your letters dated September 30 and December 15, 2021. I reviewed your letters and the documents related to your case, and am unable to assist you further at this time.

To make a Public Information Act request to the Dallas County District Attorney's Office, please write to the Dallas County District Attorney's Office, Attn: Public Information Act Request, 133 N. Riverfront Blvd., LB2, Dallas, TX 75207.

If you believe you have been wrongfully convicted and/or deprived of a fair trial, we encourage you to pursue your claim and/or any other relief you believe you may have by seeking legal counsel who can then advise you. Since the CIU is part of the District Attorney's Office, we do not represent individuals and cannot provide legal advice.

Additionally, we are returning your correspondence and we have retained a copy for our records.

Sincerely,

A handwritten signature in cursive script that reads "Riann Moore".

Riann Moore  
Assistant District Attorney  
Conviction Integrity Unit  
Dallas County, Texas





JOHN CREUZOT  
CRIMINAL DISTRICT ATTORNEY  
DALLAS COUNTY, TEXAS  
APPELLATE DIVISION

July 14, 2022

Ernest Edward Gaines  
TDCJ# 136192  
Preston E. Smith Unit  
1313 County Road 19  
Lamesa, Texas 79331

Re: Public Information Act request regarding record pertaining to trial  
cause number F0556570.

Dear Mr. Gaines:

The Dallas County District Attorney's Office received your request on July 13, 2022. In your request, you state that you are an inmate and seek records concerning your conviction. Section 552.028 of the Public Information Act provides that a governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility. Tex. Gov't Code Ann. § 552.028(a)(1). This provision applies to requests from inmates or their agents, even if the requested information pertains to the inmate. *See Harrison v. Vance*, 34 S.W.3d 660, 662–63 (Tex. App.—Dallas 2000, no pet.); *Hickman v. Moya*, 976 S.W.2d 360, 361 (Tex. App.—Waco 1998, pet. denied). In accordance with the Texas Government Code, your request is denied at this time.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Vela", is written over a horizontal line.

Ricardo Vela, Jr.  
Assistant District Attorney  
Dallas County District Attorney's Office



Exhibit 'I' Letter from Judge Amber Given-Davis.



JUDGE AMBER GIVENS-DAVIS  
282nd JUDICIAL DISTRICT COURT  
Frank Crowley Courts Building  
133 N. Riverfront Blvd., LB-32  
Dallas, Texas 75207-4399



PRESORTED  
FIRST CLASS



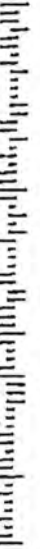
UNITED STATES POSTAGE  
02 1R \$ 00.452  
0002010665 OCT 19 2016  
MAILED FROM ZIP CODE 75202

475330

Ernest Edward Gains  
TDCJ #01364192  
Michael Unit  
2664 FM 2054  
Tennessee Colony, TX 75886

Received  
Oct. 25, 2016

GB IJS-SNP 75886







**JUDGE AMBER GIVENS-DAVIS**

282nd JUDICIAL DISTRICT COURT

Frank Crowley Courts Building

133 N. Riverfront Blvd., LB-32

Dallas, Texas 75207-4399

(214) 653-5852

October 11, 2016

Ernest Edward Gaines

TDCJ #01364192

Michael Unit

2664 FM 2054

Tennessee Colony, TX 75886

Re: *Ernest Edward Gaines v. The State of Texas*

Court of Appeals No. 05-15-01144-CR

Trial Court No. F05-56570-S

Dear Sir:

The Court has received correspondence from you indicating you had not been notified of the appointment of new counsel on your appeal. On July 8, 2016, the Court appointed Valencia Bush as your attorney. She may be contacted at 10000 N. Central Expressway, Suite 400, Dallas, Texas 75231. Her telephone number is 214-631-3435.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Givens-Davis", with a stylized flourish at the end.

Judge Amber Givens-Davis



Exhibit 'J' The Dallas Morning News Article Dallas County 'Givens'  
recusal sought by 15'.



# Metro & Business

**FWD5FW**

**FWD5FW.com**

SUPPORTED BY

**Baylor Scott & White**  
HEALTH

The Dallas Morning News

Section B

Thursday, June 30, 2022

DallasNews.com

## Givens' recusal sought by 15

They say they can't get fair trial since judge is under investigation

By KRISTA TORRALVA  
Staff Writer  
krista.torralva@dallasnews.com

Fifteen criminal defense lawyers are taking the rare step to get an embattled Dallas judge recused from their cases — 104 in total.

The lawyers say in court records they can't get fair trials before state

District Judge Amber Givens, who is under investigation by the Texas Department of Public Safety over accusations she ordered a staffer to conduct a virtual hearing in her group of place last year.

Many of the lawyers belong to the Dallas County Defense Lawyers Association, the group that filed a grievance last year with the State Commission on Judicial Conduct against Givens over the accusation. The Commission asked the Texas Rangers to investigate.

Givens responded by accusing the lawyers of defamation and asked a civil court judge to allow her to take depo-



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DALLAS COUNTY



# 15 lawyers want judge off cases over accusations

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ions from its members. She is denied the accusation and lled it an effort to suppress the ters' choice for the 282nd District Court.

Lawyers affiliated with the oup say the civil proceedings ne are enough to have Givens moved from their cases. Prosecutors did not object to the recusals, and joined in some of the requests.

Administrative Judge Ray heless, who oversees a region luding Dallas, granted two orneys' requests to transfer e cases to another court during a virtual hearing Friday. Givens did not attend the hearing. Wheelless said he will host additional hearings to consider the naining cases. Givens voluntarily recused herself from out 20 cases not included in 10-4, Wheelless said.

In an email, Givens told *The Dallas Morning News* that state ics rules for judges prohibit "from commenting about the

recusals, the Rangers investigation or a pending case in which she is a witness. Her lawyer, Nicole Knox, previously said an investigation would show Givens and her staffer did nothing improper.

Also on Friday, Dallas County District Attorney John Creuzot asked Wheelless to recuse his office from the Rangers' investigation, should they refer a case for prosecution. Wheelless reassigned the matter to Fort Bend County District Attorney Brian Middleton.

Attorneys Jeff Lehman and Allan Fishburn, who are seeking recusals, want Givens to testify in one of their cases. They represent Wesley Jones, who Givens said sent her threatening emails in an attempt to thwart his robbery trial last month. A jury found Jones guilty and sentenced him to life in prison.

During his trial, Jones enlisted a friend to send racist threats to Givens, authorities allege in an arrest-warrant affidavit. Jones faces a charge of making a

terroristic threat against a peace officer or judge. Givens and Jones both are Black.

Jones' lawyers asked for an examining trial to evaluate the evidence against him and issued a subpoena to Givens for her testimony. In a response, Givens suggested the lawyers want her to testify about issues that don't pertain to Jones' case. A hearing was delayed last week and is expected to be rescheduled.

Givens overwhelmingly won her bid for reelection this year, getting 53% of the vote against two challengers in the Democratic primary and avoiding a run-off. There is no Republican challenger on the November ballot, and Givens will begin her third four-year term as a judge in January.

## The impersonation accusation

Defense lawyer Tim Jeffrey and prosecutor Eduardo Caranza presented Givens with paperwork Aug. 3 to reduce bail

for Floyd Lee, who was jailed on accusations he violated the conditions of his probation in a burglary case, according to the judge and court records.

Givens said she called for an online proceeding to approve the bond reduction but had technical difficulties joining the meeting. She said she gave her login credentials to her court coordinator, Arceola Warfield, and called her by telephone. Warfield turned on the speaker on her phone so the judge could conduct the proceeding, Givens said. The camera on the judge's Zoom account remained off, so the lawyers could not see Givens or Warfield, according to the grievance.

The lawyers and probation officer involved contend the voice leading the proceeding was the court coordinator's, not Givens'. Impersonating a public servant is a third-degree felony in Texas.

Givens emailed Creuzot in October and said she believed the prosecutor falsely alleged to

other lawyers she had Warfield act as her.

Givens recused herself from Lee's case in November. Later that month, the defense lawyers association filed the grievance.

## Judicial temperament

The association filed the complaint as a supplement to a grievance to the state commission in July 2020 that accused Givens of mistreating people in her court, documents show. The first grievance, which the association provided to *The News* with names redacted, accused Givens of acting erratically on the bench and speaking disrespectfully to lawyers.

Givens told *The News* the accusations were a "false narrative" last year.

Lawyers continue to allege she treats people who come before her unfairly. Attorney Bret Schmidt told Wheelless during last week's hearing that Givens held him and a client in the courtroom for five hours during

a hearing and scolded him being unprepared for a hearing when he only received the defence minutes earlier. His motion to recuse Givens was granted.

Lawyer Marcus Fellman, Wheelless during the hearing. Givens ordered a client to offender treatment even though he pleaded guilty to recklessly causing the bodily injury of a child. The defendant had been charged with incest with a child, but Fellman said evidence presented to the judge couldn't have led her to conclude he had committed a sexual offense. The client was a legal permanent resident of the United States, and the law feared that the judge or could open him up to being deported.

Fellman submitted a transcript of the hearing to Wheelless, which he said he considered his decision to recuse Givens. His motion to recuse Givens was also granted.

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